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PENNSYLVANIA PRISON

PENNSYLVANIA PRISON
PHILADELPHIA.
ANNUAL REPORT.

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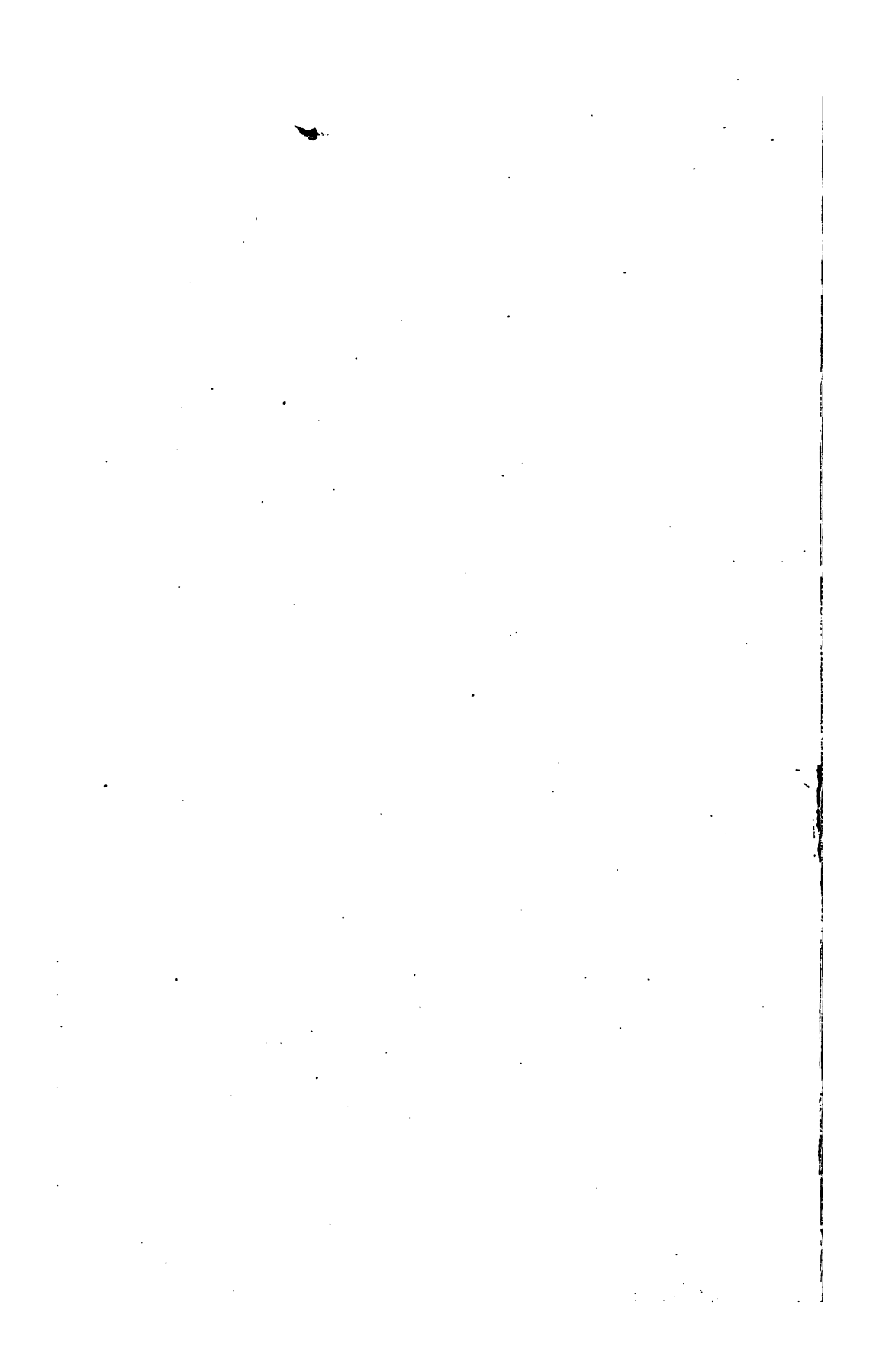
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THE **James Black**
FIRST ANNUAL REPORT
OF THE
VISITING INSPECTORS
797268
AND
PRISON AGENT,

AS ORDERED TO BE PUBLISHED.

INCLUDING SECOND ANNUAL REPORT TO THE PRISON SOCIETY.

TOGETHER WITH THE

SPEECH OF A. S. ROBERTS

IN SELECT COUNCIL CHAMBER.

PHILADELPHIA:
WILLIAM S. YOUNG, PRINTER, 50 NORTH SIXTH STREET.
1856.

THIS IS THE
DIRECTOR'S OFFICE
797268
AND
TILSON'S CORRELATIONS
L

WILLIAM
ALLEN
WILLIAM

R E P O R T

OF THE

PRISON AGENT, AND THAT OF THE MONTHLY
VISITING COMMITTEE.

THE following resolution was adopted at a meeting of the Board of Inspectors of the Philadelphia County Prison, held August 13th, 1855:

Resolved, That the Secretary be authorized to publish five hundred copies, in pamphlet form, of the Agent's Report, including the Visiting Committee's Report upon the subject.

The above resolution was adopted by the Inspectors, for the purpose of laying such information before the public, in reference to his labours, a publication of which seems to be so necessary, in order to make his mission more fully understood.

TO THE PUBLIC.

In publishing these Reports, the Board of Inspectors of the Philadelphia County Prison have but one object in view, and that is, to disabuse the mind of the public, or at least that portion of it who have an idea that their duties, and those of Mr. William J. Mullen, are not of an onerous nature. Those, however, whose business or inclination lead them into the precincts of a prison, or whose knowledge of that portion of our community whose vices and whose crimes render them amenable to our laws, know full well that our duties, and that of the Agent, involve a principle of far more importance than that of surmise and doubt. It is one of stern reality; and all who read carefully the Report of the Prison Agent, will find it to be a startling picture of vice

and crime, in the which however is mixed up the acts of magistrates, whose want of discrimination forms a fearful item. The evil resulting from this latter cause is, however, in a fair way of being remedied, and it is to be hoped will be corrected speedily, as the cause which produces the effects complained of is being now examined into.

In all governments, whether national or municipal, certain evils exist which cannot be immediately corrected by those who have the opportunities of witnessing their results. To the people we have to refer certain grievances, and to the Councils others; and if we can procure their co-operation, we have no doubt our labours and those of the Prison Agent will be materially lessened, and the cause of humanity benefited.

Much of the cause of crime, at least that portion which embraces the greater number of cases, can be either directly or indirectly traced to intemperance. When this is removed, as it will be ere long, at least the means of its indulgence, a better and purer state of things will exist in our midst.

To the Board of Inspectors of the Philadelphia County Prison:

GENTLEMEN:

Your monthly Visiting Committee beg leave to report, that they have carefully examined the books of your Agent, William J. Mullen, and investigated his labours, and find they have been of great benefit to the poor and unfortunate, as well as of great economy, in a financial point of view, with which your Committee has been favourably impressed, having found them to be a great saving, particularly in board and costs.

In the first item of board we find a saving of \$3423 75 in the 1006 persons released through his efforts in eleven months, and in the item of costs, \$7258 50, which would otherwise have had to be paid if the cases had gone to trial.

We take pleasure in recommending to the favourable notice of the Board his self-sacrificing labours and zeal, which are so characteristic of the man who is your agent, whose chief ambition and devotion seem to be to afford relief to the oppressed.

He has been instrumental in releasing, under the direc-

tion of your Committee, 1006 persons during the eleven months, and has saved 19,428 days' suffering to those whom he has released by his timely interference, in seeing to their cases and getting them liberated, instead of that class of lawyers, whose well-known characters were enough to convince both Court and District Attorney of the guilt of any man who had employed such advocacy. But under the enlightened and liberal direction of the late Board, in supplying an Agent who has taken the place of those vampires, aided by magistrates and others, who have been in the habit of coming to the prison for the purpose of plundering the prisoners, that state of things is now almost wholly done away with. The Agent promptly sees to these cases without any expense to the prisoner, and in this way innocent people have been relieved and protected from ruin, which would otherwise have been the case, and prevented from the necessity of sacrificing their wearing apparel, and other articles of value, in the pawnbrokers' shops, for the purpose of raising money to fee lawyers and pay the costs. They have now only to make their situation known to the Agent, of their being without money or friends, and he at once supplies them with counsel without charge, and corresponds with their friends; sees that the witnesses are brought in Court, and affords them such aid as enlightened philanthropy and true benevolence would dictate; a philanthropy that protects them from oppressive magistrates, and prevents them from sustaining any pecuniary loss, which would not have been the case, had they not the aid and protection of your Agent.

In this way many families have been saved from ruin by the immediate release of prisoners, without sacrifice on their part of time or of money. The homeless, friendless, discharged prisoner is now taken by the hand, cared for, supplied with a home, and furnished with employment, and in this way protected from going into crime from necessity. He has furnished one hundred and thirty with homes and employment, during the last eleven months.

We, therefore, recommend William J. Mullen as a person in every way competent and eminently qualified to perform the responsible and humane duties assigned him as Prison

Agent, whose labours have met with such signal success,
as our experience has fully proven.

PETER LANE,
A. D. HAMILTON,
JOSHUA COMLY,
Committee.

August 13th, 1855.

To the Board of Inspectors of the Philadelphia County Prison:

GENTLEMEN:

Your Agent would respectfully submit a detailed statement of his labours for the past month, as well as for the last eleven months, that he has been permitted to act for the relief of the unfortunate. I am happy to be enabled to state, that I have succeeded in being instrumental in releasing, with the aid of the proper authorities, under the direction of the Visiting Committee, 154 persons in the last month, and during the last eleven months 1006, out of which number there were but 47 that returned back to prison again, many of whom I helped out of prison a second time, because I believed they were victims of cruel and unjust persecution, suits having been brought against them, in many instances, by drunken, malicious persons. Four of the above were helped the third time and one the fourth. The whole amount of money that I have received from the one thousand and six persons, and expended for their release, by the payment of costs to magistrates, district attorney, &c., is only one hundred and thirty-seven dollars and thirteen cents. A detailed account of each and every case you will find recorded in the Journal kept for that purpose. If you will examine it, you will find that there has been saved in the item of board alone, which would have been one dollar and twenty-five cents per week, \$3423 75 cts., and in costs \$7258 50; making in all \$10,682 25, as well as having prevented the prisoners that I have had released 19,428 days' suffering that they would have experienced, had it not have been for the timely interference in having them released, instead of waiting for trial from the time they were liberated until the first day of the term of the Court, at which time they would be required to appear for trial; and in most cases, I have no doubt, their in-

nocence would have been established, but not without loss of health, time, and property, which might have resulted in the ruin of many, whose homes would have been broken up, their families scattered, and themselves ruined and undone. As it is, they have been released and protected, and much unnecessary suffering prevented. I have furnished one hundred and thirty with homes and employment, and done what I could to ameliorate their condition and carry out the instructions of the Inspectors in relieving the prisoners in every possible way, which, I trust, will meet with the approbation of the Board. Valuing the time of the 1006 at 75 cents per day, it would have been a loss of \$14,571, which has been saved to them and to the community by their immediate liberation, instead of being detained for the purpose of bringing their cases before the Grand Jury, at an expense to the county of preparing and ignoring their bill, when they would have doubtless been acquitted, as I am of the opinion, from a careful investigation, that nine-tenths of the above persons were entirely innocent of the charges which were brought against them, the suits having been commenced, in most instances, by ignorant, inconsiderate persons, that would prosecute without proper consideration. When I would wait upon their prosecutors at their homes, in a friendly way, and submit the whole case to their calm and deliberate consideration, I would invariably find the better part of their nature predominate, and they would freely confess their error in going to law, readily consent to the settlement of the case, and in this way we would put an end to strife, make the prisoner and the prosecutor friends, and thus amicably settle the differences between them. In adjusting and settling the above cases, it has not been done without much time, labour, and expense to myself, in preparing and sending over five hundred letters to the friends of the prisoners and others, all of which I have done cheerfully, with a hope of accomplishing some good in bringing about a reformation, which has been done in many instances.

I remain yours very respectfully,

(Signed)

WM. J. MULLEN,

Prison Agent.

SECOND ANNUAL REPORT

OF

WILLIAM J. MULLEN, PRISON AGENT.

“At a meeting of the ‘Acting Committee’ of the ‘*Philadelphia Society for alleviating the miseries of Public Prisons*,’ held on the 1st inst., the following report from the agent was read and approved, and ordered to be published.”

(Signed.) JOHN J. LYTLE, Secretary.

Philadelphia, 1st month, 1, 1856.

To the Visiting Committee of the County Prison.

GENTLEMEN :

In obedience to a resolution of your Committee, on the 6th of Jan. 1854, your Agent submits, through you, to the “*Philadelphia Society for alleviating the miseries of Public Prisons*,” his Second Annual Report, from which you will perceive that he has succeeded in releasing from Prison, with the consent of the proper authorities, 1244 persons who were accused of various offences of which it was found, upon investigation, they were either innocent, or for which public justice did not require their further detention.

It is thus evident that, not only a large amount of human suffering has been prevented, but thousands of dollars saved to the community by the discharge of these persons, who, had they been detained in Prison, would have been supported by the Public. In addition to this saving we must add the costs necessarily incurred by their trials, and

the value of their labour, generally so indispensable to the support of their families; to say nothing of health liable to be injured by incarceration and the deficiency of the comforts to which many of them have been accustomed. The limited means of many of those who were released, had their confinement been prolonged, would have been exposed to injury and waste, and their families perhaps separated, or thrown upon the public for support. Of those released a considerable number, who needed it, were supplied with employment, and others with suitable homes. Most of the suits arose from trifling causes, from impulse, or from vindictive feelings, and needed but a friendly hand to adjust the difficulty. Of those liberated there were but about 70 persons, or but one in eighteen that were returned to prison, and that again needed the aid of your agent. Some of these were the objects of persecution, suits having been commenced the second time for the same alleged offence. An important part of the duty of your Agent has been that of a peace-maker. He has visited many of the prosecutors at their dwellings, and by inducing them to reconsider their conduct, succeeded in reconciling the parties, and sometimes making friends of those who had occupied hostile positions. In settling many of the cases much labour was bestowed and considerable correspondence necessary. Over 600 letters have been written to parties interested or to their friends. The amount of money expended was one hundred and eighty-four dollars and eleven cents, part of which was received from the prisoners released or from their friends, and the balance from the funds of the Prison Society.

The agent avails himself of this opportunity to ask public attention to the importance of suitable persons being selected to fill the station of alderman. In addition to the faithful discharge of their duty in protecting the community from the wrong doings of criminals, their services are yet highly important as peace-makers. Many persons, under the influence of temporary excitement, or from motives of revenge, commence suits having little or no foundation, or, if any, of so trifling a character as to be unworthy of public notice. In such cases the aid and influence of the magistrate is of the first importance. His

proper duty would be to endeavour to soften asperity of feelings, adjust difficulties, and promote good neighbourhood. Besides, the want of this proper care on the part of the magistrate, throws upon the public the expense of their support while in confinement, and an unnecessary increase in the labour and cost of sustaining Prisons, Courts, and Juries. About nine-tenths of the whole number committed were for causes arising from intemperance, which is so obviously the fruitful source of crime and pauperism.

Your Agent being impressed with the importance of another subject, would respectfully ask your attention to it, namely: the more ample provision for the relief of those who have been convicted and have served out their time. Humanity, as well as public economy, demand it. Persons discharged from Prison without friends, and often with insufficient clothing, have strong claims upon our sympathy, and ought to be provided with resources, to prevent the temptation to depredate upon the public, or to resort to the use of strong drink, to soothe their despondent feelings. This indulgence almost certainly leads them into crime, or into the hands of the police.

The "House of Correction" as authorized by the Legislature is much needed in our city, and the Agent would urge upon you the importance of an effort to bring into active operation the law for establishing that institution. Its practical workings would be to relieve our Prison and Almshouse of a large class of idle vagrants and drunkards, promote good order in our city, and diminish the expenses of these institutions.

There is still another subject of pressing importance, which ought, at some suitable time, to claim the consideration of the Society, that is the imprisonment of witnesses. Persons innocent of offence are sometimes taken from their employment, and from their families, because they cannot give security, and are detained for months in confinement. If the case be tried, they are entitled, as witnesses in behalf of the State, to fifty cents per day, from which the cost of their board is deducted, thus leaving them but a very small per diem allowance. If it does not come to trial, no compensation is made them for the loss of time and the disadvantage to which they have been subjected.

It is believed that the ends of justice are sometimes interfered with by persons declining to appear as witnesses, lest they be subjected to these inconveniences.

All of which is respectfully submitted.

(Signed,) W. J. MULLEN, Prison Agent.

N. B.—It appears there were in the city during the year 1855, 38,657 arrests made, and by statistics kindly furnished the Society by the Inspectors of the Prison, through their Clerk, it appears there were 13,941 committed to the County Prison, out of which there were but 292 convicted, and 83 sentenced not to labour.

In the Inspectors' Report of 1855, we find the following remarks in reference to the *Prison Agent*.

In October last, the Board, at the solicitation of a large number of our most respectable citizens, appointed Mr. William J. Mullen, Prison Agent; his duty is to attend to all cases where persons have been improperly committed, and to obtain their release. An officer of this kind has long been needed for the protection of those who are daily sent to prison without just cause. It is of common occurrence for landlords to commit their tenants to prison for disorderly conduct, or some other trifling charge, when they want to get possession of their premises, and so soon as their end is accomplished, they ask for the release of the prisoner; the same course is also pursued to enforce the payment of small debts. In all such cases, it is the duty of the Agent to make a full examination, and if the person is unjustly imprisoned, it is reported to the President of the Board or Visiting Committee, and, if approved by either, measures are adopted to obtain from the proper authorities the release of the party in confinement. In a pecuniary point of view, the appointment of this officer is of great importance, and is the means of saving a large amount annually to the city in the expense of supporting this class of prisoners.

THE CITY—THE PRISON AGENCY.

"Mr. Gordon moved to strike out the item of salary to W. J. Mullen, Prison Agent.

"Mr. Andrew Miller was in favour of striking out the appropriation. He thought it strange that a prison should be erected to keep prisoners in, and then for the Inspectors to pay a man to get them out.

"Messrs. Penrose and O'Neill advocated the passage of the item.

"Mr. Gordon said that the Agent was paid by the Society, and it was not proper for Councils to also pay.

"Mr. Willits thought something should be given to him, as through his agency money was saved, by getting prisoners out of prison for trifling offences.

"After a long discussion, the amendment was lost by a vote of 26 yeas to 36 nays."

The following remarks made by Mr. A. S. Roberts, in the Select Council, in reference to the Prison Agency, embody some highly interesting facts.

In moving to strike out the proviso which is intended to deprive the department of the services of Wm. J. Mullen, it is proper to say something of the origin of this appointment and the results of it.

The society for alleviating the miseries of Public Prisons, the Judges of the Court of Quarter Sessions, and the Prison Inspectors, in the performance of their respective duties, saw the necessity of an agent to inquire into the nature and causes of commitments for trifling offences, that not only in subserving the cause of humanity, but also as a means of economy, a speedy discharge of such prisoners might be had.

The board of Inspectors, in their Report for the year 1854, say:—

"In October last, the Board, at the solicitation of a large number of our most respectable citizens, appointed Mr. William J. Mullen Prison Agent; his duty is to attend to all cases where persons have been improperly committed, and to obtain their release. An officer of this kind has long been needed for the protection of those who are daily sent to prison without just cause. It is of common occurrence for landlords to commit their tenants to prison for disorderly conduct or some other trifling charge, when they want to get possession of their premises, and so soon as their end is accomplished, they ask for the release of the prisoner: the same course is also pursued to enforce the payment of small debts. In all such cases, it is the duty of the Agent to make a full examination, and if the person is unjustly imprisoned, it is reported to the President of the

Board or visiting Committee, and, if approved by either, measures are adopted to obtain from the proper authorities the release of the party in confinement. In a pecuniary point of view, the appointment of this officer is of great importance, and is the means of saving a large amount annually to the city in the expense of supporting this class of prisoners.

In a communication dated the 15th of December, 1853, and signed by the three Judges of the Court of Quarter Sessions, they say: "There is ample field for the exertions of such an intelligent agent. Many 'miseries' will exist even in the best conducted prisons. The incarceration of the innocent, must of necessity be distressing, and to the relief of such cases, by friendly counsel and advice, the attention of an intelligent and judicious man could be most efficiently devoted. Many cases have become known to us, in which such friendly assistance would have prevented great and undeserved suffering. We would, therefore, approve of the design, and at all times, take pleasure in affording to the agent delegated such assistance as our official position will enable us to render.

To the question whether Wm. J. Mullen would be a suitable agent, we can only reply that we have, individually, known Mr. Mullen as a man of great benevolence of character, who has devoted much of his time and means to objects of charity, and to whom the praise of having accomplished much for the benefit of the destitute and afflicted is eminently due.

Mr. Mullen's efforts in the voluntary performance, at the prison, of such duties as would be properly within the sphere of action of such an agent, have met with our decided approbation."

Mr. Mullen was appointed by the Prison Society on the 7th of January, 1854, and discharged the duties of the office until the following October, without compensation;—but his devotion to, and enthusiasm in, the cause of humanity, had frittered away his own patrimony, and caused him to neglect or abandon a lucrative business. He has a family, and they must be sustained.

It is said, Mr. President, that the labourer is worthy of his hire. Not always so—some men are paid more than their work is worth; but the converse is equally true, and some are paid much less than the value of their labour. Of this latter is, I believe, Mr. Mullen. After performing the onerous duties of his appointment for nearly a year under the eye of the Inspectors and the scrutiny of the Judges, such was the satisfactory result, that the Inspectors, on the solicitation of a large number of our most respectable citizens, appointed Mr. Mullen the official agent, with a salary of \$900 per annum.

I have a copy of the petition, which is headed by Judge Thompson and his two colleagues.

The board of Inspectors, in their annual report, say that "an officer of this kind has long been needed for the protection of those who are daily sent to prison without just cause. In a pecuniary

point of view, the appointment of this officer is of great importance, and is the means of saving a large amount annually to the city in the expense of supporting this class of prisoners."

The action of the Agent has verified the opinion of the Inspectors.

In 1854 he was the means of discharging 725 prisoners, and in the last year 1244 were thus released from imprisonment.

These poor, and in most cases innocent sufferers, cost the city \$1.25 per week whilst incarcerated, and if subjected to the proceedings of a Grand Jury, would add an additional cost of \$11.50 each, to say nothing of the loss and sufferings of their families.

The visiting Committee of Inspectors admit a saving in eleven months through his Agency of \$3423 in board, and \$7258 in costs—besides a release from 19,428 days of suffering to the victims.

But his good deeds do not stop here; the homes of the unfortunate are sought out, and such relief as his means and his influence can command are administered to them. In his annual report he tells the committee that he had in the last year supplied 92 with homes and employment.

Mr. President,—I might enlarge on the duties performed by this officer, and their benignant results; but I think, sir, that enough has been said to convince the chamber that the office is an important one, and should by all means be maintained.

That the present incumbent is active and zealous, I feel well assured; but that he meets with opposition is equally clear. The faithful discharge of his duties interferes seriously with the unprincipled vampires who suck the blood of their miserable victims.

But to the friends "of the homeless, friendless, discharged prisoners, and their families, who have been saved from ruin," must he look for that reward which good works merit.

The second section provides that no portion of the appropriation shall go to pay the salary of the person known as the Prison Agent.

Mr. Perkins expressed the hope that this section would not be adopted. He thought that it had been demonstrated to Councils and the community that between the magistrate and the police, and some other influence operating, there was something rotten in Denmark. Such an agent was urgently needed, and the labours of the gentleman who now fills the position had proved him to be a Howard in no small way. As a mere matter of economy, such an agent was of great advantage to the community, saving, in the item of expense for supporting prisoners, many times his salary.

Mr. Roberts cited the authority under which Mr. Mullen acted, giving the history of his appointment, and quoting the opinions of Judges and distinguished lawyers to show the importance of the office of the agent. The salary had been given by the Prison Inspectors upon the petition of numerous eminent citizens who knew that Mr. Mullen would be compelled to abandon the service of the public if some pecuniary compensation, sufficient for his mainte-

nance, was not awarded to that gentleman. Mr. Roberts then reviewed the labours of Mr. Mullen, and eulogized his energy and philanthropy.

Mr. Waterman approved of all that Mr. Roberts had said.

Mr. Wharton was willing to acknowledge that the Prison Agent had done much good in particular cases, for some of these cases had come under his own notice. He had read the calculations in the prison reports, and he thought the argument based upon them entirely fallacious. We must consider what becomes of a prisoner after he is released. He had no doubt that many persons thus released went to the Almshouse, and were again supported by the community. Again, he doubted the policy of appointing any individual to make it his particular business to interfere with the course of justice. Too much must depend upon the judgment of that person; and it is not the part of Councils to sustain such an agent, however honourable his motives, to interfere constantly with those functionaries who have been chosen to administer the laws.

Mr. Perkins thought that the gentleman from the Fifth Ward mistook the nature of Mr. Mullen's operations. Mr. Mullen can take no body out of prison. The person confined must be liberated by a certain process, with the sanction of the proper authorities.

Mr. Roberts said he had listened with surprise to the beautiful abstractions of the member from the Fifth Ward. Mr. Mullen acted as the advocate of those whom he thought to be imprisoned unjustly for a very trifling cause, and every prisoner was entitled to an advocate; and went on to argue for maintaining the position of Prison Agent.

Mr. Kline endeavoured to show that there was no propriety in the appointment of such an officer.

Mr. Wharton said that he thought the pamphlet in which Mr. Mullen's labours were contained, also contained a libel upon a respectable class of the community, in stating that the efforts of the Prison Agent had tended to defeat the plundering of prisoners by "vampire lawyers and magistrates." He thought the office of Agent a dangerous one, and its powers were too great to be committed to any individual.

The section was then stricken out, and Mr. Mullen was unanimously sustained, there being no votes in the negative.

The bill was then read a third time by its title, and passed finally.

A TABLE

Showing the number supplied with Homes and Employment, number of Persons committed to the Prison within the Year, Number of days' suffering saved, &c.

| | JANUARY. | FEBRUARY. | MARCH. | APRIL. | MAY. | JUNE. | JULY. | AUGUST. | SEPTEMBER. | OCTOBER. | NOVEMBER. | DECEMBER. | TOTAL. |
|---|-----------|-----------|---------|---------|---------|---------|---------|---------|------------|----------|-----------|-----------|-----------|
| Number supplied with Homes and Employment. | 11 | 8 | 17 | 8 | 11 | 8 | 6 | 7 | 9 | 1 | 7 | 9 | 92 |
| Number of Persons committed to the Prison within the year. Females. | 121 | 132 | 179 | 231 | 239 | 280 | 378 | 452 | 410 | 220 | 280 | 239 | 3191 |
| Males. | 710 | 572 | 795 | 792 | 802 | 929 | 1092 | 1150 | 1070 | 974 | 971 | 895 | 10,752 |
| Total. | 831 | 704 | 974 | 1023 | 1041 | 1209 | 1470 | 1602 | 1480 | 1194 | 1251 | 1164 | 13,943 |
| Number of days' suffering saved to the prisoners. | 1824 | 1154 | 1972 | 1698 | 3652 | 1907 | 1676 | 4781 | 1602 | 1325 | 8241 | 8382 | 27,659 |
| Amount paid for their release. | \$12,76 | \$5,52 | \$6,52 | \$11,84 | \$10,13 | \$12,25 | \$21,50 | \$14,26 | \$40,45 | \$15,86 | \$27,54 | \$5,50 | \$184,11 |
| Saved in Board, | \$254,58 | 215,85 | 853,64 | 200,52 | 479,36 | 326,86 | 296,11 | 844,30 | 286,88 | 236,74 | 570,84 | 594,59 | 4659,77 |
| Saved in Costs, | \$367,00 | 873,50 | 736,00 | 517,50 | 1253,50 | 563,50 | 966,00 | 1085,00 | 1115,50 | 253,00 | 1012,00 | 480,00 | 8953,50 |
| Saved to the Prisoners and to the Community. | \$993,00 | 865,50 | 1479,00 | 1269,75 | 2739,00 | 1430,25 | 1257,00 | 3535,75 | 1201,50 | 993,75 | 2430,75 | 2499,00 | 20,744,25 |
| Making a total of, | \$1914,58 | 1460,35 | 2568,64 | 1987,77 | 4471,86 | 2320,61 | 2619,11 | 5465,06 | 2603,38 | 1483,49 | 4018,59 | 3553,89 | 34,862,52 |

The whole number released for the year 1855, by the agent, is 1244.

The following named persons petitioned the Inspectors to appoint Mr. Mullen, Prison Agent.

Oswald Thompson, Joseph Allison, William D. Kelly, Eli K. Price, Jesper Harding, Robert Morris, Hildeburn & Brother, J. K. Kane, Andrew M'Makin, Ferdinand J. Dreer, Thomas Reath, Pratt & Reath, Maddock, Rayman, & Co., S. R. Warrington, John B. Myers, James L. Claghorn, John Stokes, Vaute & Groff, Osmon Reed, C. A. Thudium, Farr & Thomson, James E. Caldwell & Co., Jos. M. Stoddart, Hugh Bridport, H. Duhring, Samuel Bispham, John S. Bispham, Wm. W. Trouche, John H. Campbell, Thomas Graham, Wm. J. Horstman, David Deal, Wm. C. Milligan, Hoskins, Hieskell, & Co., C. Cope, W. C. Coates, Wood, Corey, & Co., Robins, Powell, & Co., Butcher & Brother, Wattson & Co., Thomas Watson, David B. Binney, Wm. Goodrich, Thos. Wriggins, Bailey & Co., E. W. Bailey, Paul T. Jones, Jno. M. Harper, M. Wood, And. C. Craig, Morris L. Hallowell, Rene Guillou, Fassitt & Co., Morton M'Michael, Geo. Hayes, Adams & Co., Williams & Jones, Jas. Rees, W. Magill, James S. Wallace, Jno. Severns, Edw. A. Parker, Wm. F. Hughes, Henry Dubosq, S. S. Kelly, Benj. Allen, W. S. Perot, G. Rush Smith, Henry M. Zollickoffer, Lewis E. Wells, W. Shippen.

FOURTH ANNUAL REPORT
OF
WILLIAM J. MULLEN,
PRISON AGENT,
AS AUTHORIZED TO BE PUBLISHED BY
THE PHILADELPHIA SOCIETY
FOR ALLEVIATING THE MISERIES OF
PUBLIC PRISONS.

INSTITUTED 1787.

PHILADELPHIA,
JANUARY 1, 1858.

OFFICERS OF THE SOCIETY.

PRESIDENT—JAMES J. BARCLAY.

VICE-PRESIDENTS—TOWNSEND SHARPLESS, DR. WILLIAM SHIPPEN,

TREASURER—EDWARD H. BONSALE.

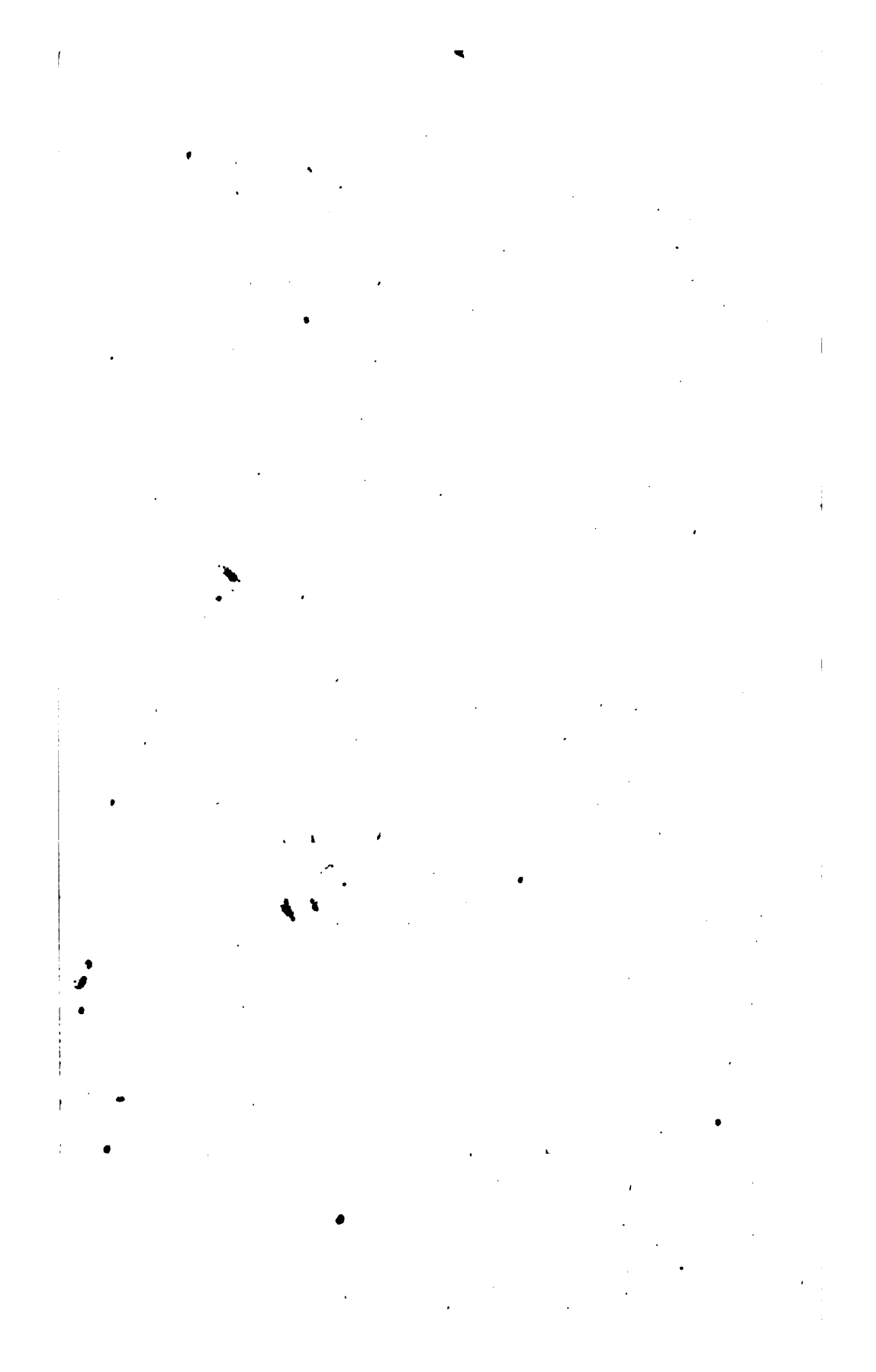
SECRETARIES—WILLIAM PARKER FOULKE, EDWARD TOWNSEND.

COUNSELLORS—HENRY J. WILLIAMS, N. B. BROWNE.

MEMBERS OF THE ACTING COMMITTEE—James J. Barclay, Townsend Sharpless, Dr. Wm. Shippen, Edward H. Bonsall, Wm. P. Foulke, Edward Townsend, Henry J. Williams, N. B. Browne, F. A. Packard, Oliver Evans, Charles Ellis, William L. Edwards, Wm. S. Perot, George Vaux, Thomas Latimer, James E. Kaighn, John M. Wetherill, George Elkinton, John J. Lytle, Charles Robb, Joshua T. Jeanes, Henry H. Kelley, Alfred H. Love, Wm. U. Ditzler, Julius Theinhardt, Samuel Caley, Jeremiah Willits, Benjamin H. Pitfield, Marshall Athmore, Abram C. Brown, Wm. H. Burr, John Horton, D. Sheppard Holman, Isaac Barton, Nathan Smedley, Richard Williams, Owen Jones.

JARED CRAIG, PRINTER, 320 CHESTNUT STREET.

1858.



PHILADELPHIA, JANUARY 1, 1858.

WILLIAM S. PEROT,

Chairman of the Visiting Committee on the County Prison:

RESPECTED SIR:

In obedience to a resolution of the Acting Committee of the "Philadelphia Society for Alleviating the Miseries of Public Prisons," the Agent submits his Fourth Annual Report, in doing which, he will give a brief synopsis of the result of his labors during the year. By a reference to the Table herewith submitted, you will perceive, that he has been instrumental in releasing from Prison, twelve hundred and forty-nine (1249) persons; most of whom were innocent, or whose real offences, upon investigation, were found to be of such a trivial nature, as not to justify their imprisonment. Out of this number 180 were supplied with homes and employment. A detailed account of the cases will be found in his journal, kept for the purpose. Very few out of the whole number liberated were committed for sufficient cause. This being made clear to the minds of the magistrates and to the court, their liberation was effected in most instances without costs. The whole amount paid during the year was but two hundred and thirteen dollars and sixteen cents (\$213.16) being the costs in ninety-seven (97) cases, leaving eleven hundred and fifty-two (1152) discharged, without the expenditure of any money. In doing this, great care has been taken not to defeat the ends of justice, or in any way shield the guilty from punishment.

The amicable settlement of these cases has been productive of much good; not only in preventing hundreds of families from being broken up, but a saving to the tax-payers of \$4,238, for food; allowing for each one but twenty cents per day, from the time they were released to the commencement of the term of the court in which their cases would have been tried. If all the formality of law, requisite for their trial had been gone through with, it might have cost the city in addition \$4,608, for preparing and ignoring Bills of Indictment.

This statement is based upon the supposition, that *all* the bills would have been ignored, which is the least expensive way of dis-

posing of them. Had true bills been found, the expense would have been increased almost three-fold; when if the parties were acquitted, the costs would have been put upon the city.

Besides this avoidance of expense, much unnecessary suffering and useless detention in Prison, has been saved to friendless parties, who by this aid have been able to apply their time to the support of their families, and in keeping them together. It does not need much stretch of the imagination to understand, that when the head of a family is imprisoned, there may be much suffering among wives and children. The release of these persons has, in the aggregate, saved to them twenty-one thousand one hundred and ninety days, or an average of about seventeen days each. Estimating their labor at seventy-five cents per day, it would amount to the sum of \$15,892.50. Many startling incidents could be given in reference to those who have been released. The fact of so large a number of persons being unjustly confined in Prison, is an alarming circumstance; and shows that an obligation exists for the community, or those in authority, to examine into it with a scrutiny, which would lead to the correction of an evil, that has grown into a gigantic system of oppression and of fraud. Men deprived of their liberty—mothers torn from their children and incarcerated in Prison, without cause, or for very trivial offences—and in many instances by the assumption of power on the part of magistrates; must necessarily cause not only much suffering to individuals, but must create in the minds of these victims, sentiments of hatred towards their oppressors, that in time may lead to actual crimes.

The present system of dispensing justice is uncertain, and very far short of what it should be. Petty quarrels, originating from trifling causes, not unfrequently engender bad passions; and for revenge, persons hasten to a magistrate and make oath against the opposite party, in most cases having no substantial foundation; and the one who arrives last at the office is usually the victim.

In such cases, a judicious and peace-making disposition on the part of the magistrate, would often reconcile the parties, and induce more kindly feeling, and greater forbearance toward each other for the future.

When these cases have come under the care of the Agent, he has found that a kind and conciliatory course, has generally accomplished the object; and he has reconciled those who had previously been hostile toward each other.

The growing practice of Perjury, in many cases from sheer ignorance, and wilfully in others, is assuming an alarming aspect; and has now become a fearful feature in the cause of crime. No man's life or liberty is safe under this disregard of obligations, that should bind man to man and men to their Creator. The District Attorney recently in addressing a jury, said, that it was necessary they should carefully scrutinize the testimony of the witnesses, not only in the case then before them, but in all cases that might come under their notice. He said that he knew plenty of men in the city, who could be hired for a glass of grog, or for 50 cents, to swear falsely, and to testify, to please interested parties.

That there were many such constantly prowling round the court room, seeking for a job; and he had no doubt many were within the hearing of his voice at that time. That he could produce the men if required, at almost a moment's notice; and in view of such a state of things, he felt it to be his duty to put the jury on their guard. The truthfulness of this statement, made by the District Attorney in open court, can be fully corroborated by facts that have come under the observation of the Agent. The following cases are samples:

A man of good character, was arrested, tried, convicted and sentenced to nine months' imprisonment at hard labor in the County Prison, charged with the larceny of \$170 in gold. When arrested, a purse was found upon his person containing \$220. At the time of his conviction the court ordered \$170, out of the \$220, to be paid to the prosecutor. Immediately after the conviction, the Agent, at the request of several respectable citizens, took the matter in hand and gave it a thorough investigation; when it was ascertained to the satisfaction of the court, that the prisoner was innocent. It was proven by the affidavits of eight persons, that the money had been received from them; and that it was his own earnings to which he was justly entitled. It was proven also, that he had been seen with the money previous to the alleged robbery. When these facts were presented to the court, together with evidences of good character; the sentence was reconsidered by the judge, it being within the same term, and the prisoner discharged. He was then restored to his family and business, and saved from ruin. But the money taken from him, the \$170, was not restored: the perjurer had fled with the money, and could not be found!

Another remarkable instance, is that of nine men, who were convicted in our court for Assault and Battery; two of whom were sen-

tenced to nine months' imprisonment, and the remaining seven to six months each. After they were sent to prison, it was ascertained that they were innocent. The facts, as the Agent found them to be, were, that a designing and artful man, with a hope of extorting money from them, had inflicted injuries upon his own son, a boy of about 15 years of age, which maimed him, so much so, that he was carried into court on the back of his father to testify. This he did, in accordance with his parent's instructions. The boy acted his part well. His crippled condition gained the sympathy of the jury, and resulted in the conviction of nine honest Germans. Scarcely one of the prisoners could speak English. Some of them were housekeepers, with families depending upon them for support; and others were strangers, just arrived in the country, who had money and were on their way to the West. They were lodgers at a German boarding house, where the occurrence was said to have taken place. The Agent ascertained that the whole story was a fabrication, and that the father and son had perjured themselves, and that they were both imposters. That the boy was not injured by these men, that he had been an inmate of the Almshouse, that his father resided in one of the lowest dens of iniquity in Shippen Street; and that they were beggars by profession; it afterward appeared that the father had inflicted the injuries upon his boy by sticking pins in him. When these facts were presented to the Court, the Judge reconsidered the sentence, and released every man from prison. Since this occurrence, the prosecutor has been arrested for making and passing counterfeit coin. The dies and implements were discovered at his residence in Shippen Street; and \$500 in gold was found upon him. He was previously represented in court as a poor man, who was ruined through the injury done his son, he being his only support. When the Agent last saw him, he was in prison and endeavoring to purchase his liberty.

The Agent obtained the release from a magistrate, within a few days, for 40 persons within 48 hours, none of whom should have been committed to prison. Twenty of the number were inoffensive colored people. Their liberation was effected by the Agent, upon making application to the Court for a writ of Habeas Corpus. When a notice was served upon the magistrate, he gave their discharge without costs; the Judge consenting thereto. The charge was that of a disorderly house, which, was untrue: it was a mere assembling of the neighbors to relieve a poor sick woman. While

there they were arrested, committed to prison, and required to pay \$4.12½ cents each before they could be released. The Agent had the whole number liberated without expense to the parties, upon the payment of only \$1, which was paid to the Clerk of the Court for the writ.

The total number of commitments for the past year were 15,540 persons, a large number of which were commitments and re-commitments for vagrancy; of the whole number but 543 upon trial were found guilty and sentenced, 371 to hard labor and 172 without labor. Of the 5,845 bills acted on by the Grand Jury, 2,765 were ignored.

The judicious management of the new Board of Prison Inspectors is such as to have met with the general approval of good citizens, who have had the satisfaction of seeing that at least one public institution is managed by pure minded and disinterested men. The affairs of the Prison have been conducted with great economy, at the same time fully carrying out the law in providing for the prisoners. There has been a saving during the year of \$28,670, in the expenses of the Institution.

The cleanly condition of the Prison, and the thorough discipline that exists in each department, under the direction of Mr. William B. Perkins, the principal keeper, is such as to reflect much credit upon him, both as a man and an officer. His long experience of 28 years in the management of prisoners, has made his services valuable and satisfactory.

The health of the prison is good, there being little or no sickness; a fact which is creditable to the physician, Dr. H. Y. Smith, who is in attendance daily, and has managed his department with skill and economy.

The moral instruction given on the Sabbath, under the direction of the Agent, (who is regularly present,) continues to be of a varied and interesting character, and satisfactory to the hearers. Bishop Potter and other religious teachers, have from time to time given their valuable services for the benefit of the prisoners.

Measures are now being taken by the Inspectors of the County Prison, to give employment to the vagrant population committed to that institution. A mill for the grinding of wheat is to be put up in the building, erected for a hospital, (but not used as such for several years,) which is to be worked by the vagrants. If the pro-

ject proves successful, it will have the effect somewhat to reduce the expenses of the establishment.

As the importance of the services of an Agent has not been generally understood, the subjoined extracts are furnished to show the value placed upon them by the constituted authorities.

The following is from the report of the Inspectors of the Prison: "The Board have retained the office of Prison Agent, and have every reason to be satisfied with the importance and value of the services of the gentleman who has from its creation discharged the duties of this appointment, Mr. W. J. Mullen. In the hands of a discreet, upright and faithful officer, an intervention of this kind, limited to inquiry and recommendation; cannot fail to be the means of extending desirable and timely relief in very many cases."

The following remarks were made by the last Grand Jury: "The Grand Jury feel it to be a matter of duty to testify to the good resulting from the appointment of a Prison Agent, and to express their gratification with the real judgment and kindness of heart of Wm. J. Mullen, in the discharge of the duties of his appointment."

After the reading of the Presentment, Judge Thompson said: "The remarks in relation to the Prison Agent, he thought eminently just and proper. He was satisfied that the gentleman filling the situation (one which in its origin had met the approval of the Court) had honestly and worthily performed his duty and had done much good."

In conclusion, the Agent desires to say, that these evidences of approval, are cause of much satisfaction and encouragement to him; as he has endeavoured conscientiously to discharge his duty, toward this class of his fellow-men; and he feels grateful to his Creator, that he is permitted to occupy a position, so congenial to his feelings, and where he may so satisfactorily to himself perform an obligation, which he feels to be incumbent upon him.

All of which is respectfully submitted,

(Signed,)

WM. J. MULLEN,

PRISON AGENT.

SCHEDULE

Of the Board, Costs, &c., Saved to the County, also the Costs paid to the District Attorney, Aldermen and others, during the year 1857, by William J. Mullen, in effecting the Release of Persons from Prison.

| MONTHS. | AMOUNT SAVED IN FOOD. | COSTS SAVED IF THE CASES WOULD ONLY HAVE BEEN IGNORED. | COSTS SAVED IF THE CASES WOULD ALL HAVE BEEN TRIED. | SAVED TO THE PRISONERS, AT THE RATIO OF 75 CENTS PER DAY. | NUMBER OF DAYS SAVED TO THE PRISONERS BY THEIR RELEASE. | NUMBER OF PERSONS RELEASED. | PAID TO DISTRICT ATTORNEY. & OTHERS. | PAID TO ALDERMEN | TOTAL. |
|------------------|-----------------------------|--|---|---|--|--------------------------------------|---|---------------------|----------|
| January, | \$251 40 | \$331 10 | \$885 50 | \$942 75 | 1257 | 90 | \$2 18 | \$24 50 | \$26 68 |
| February, | 211 40 | 163 40 | 437 00 | 792 75 | 1057 | 45 | 4 88 | 8 00 | 7 88 |
| March, | 396 60 | 501 70 | 1,368 50 | 1,487 25 | 1863 | 135 | 2 44 | 12 00 | 14 44 |
| April, | 140 40 | 148 80 | 931 50 | 526 50 | 702 | 91 | | 23 75 | 23 75 |
| May, | 274 40 | 528 90 | 1,414 50 | 1,029 00 | 1372 | 150 | 4 94 | 29 20 | 34 14 |
| June, | 505 00 | 374 10 | 1,000 50 | 1,898 75 | 2525 | 102 | | 10 00 | 10 00 |
| July, | 474 00 | 614 90 | 1,644 50 | 1,777 50 | 2370 | 144 | | 6 00 | 6 00 |
| August, | 506 60 | 480 00 | 1,150 00 | 1,899 75 | 2533 | 113 | 2 44 | 4 00 | 6 44 |
| September, | 361 60 | 313 90 | 839 50 | 1,356 00 | 1808 | 85 | | 11 00 | 11 00 |
| October, | 327 60 | 441 40 | 1,127 00 | 1,228 50 | 1638 | 100 | 9 76 | 31 75 | 41 51 |
| November, | 502 00 | 473 00 | 1,265 00 | 1,882 50 | 2510 | 119 | 4 88 | 12 50 | 17 38 |
| December, | 287 00 | 288 10 | 770 50 | 1,076 25 | 1435 | 75 | 2 44 | 11 50 | 13 94 |
| Total, | \$4,238 00 | \$4,608 80 | \$12,824 00 | \$15,892 50 | 21,190 | 1249 | \$38 96 | \$179 20 | \$218 16 |

The following is an abstract of the Report made by a Committee, appointed to verify the particulars of the facts set forth by the Agent.

TO THE ACTING COMMITTEE, &c.:

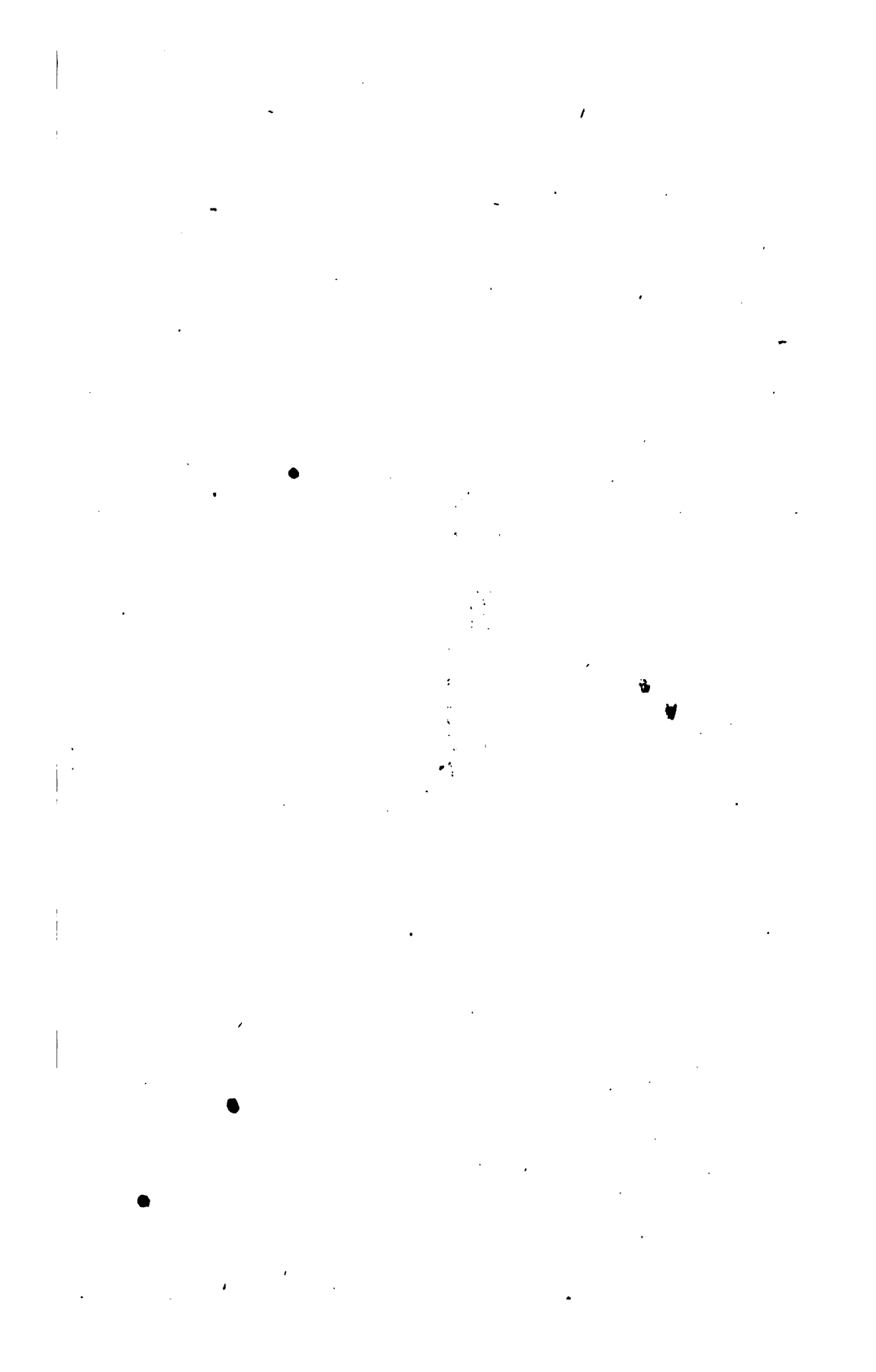
The Committee to whom was referred the Report of Wm. J. Mullen, Prison Agent, having examined the same, and compared it with the Journal of the proceedings of the Agent, aided by such other evidence as was conveniently accessible, they are satisfied of the accuracy of the general exhibit made by it. And with regard to the special cases which have been introduced to illustrate the wrongs perpetrated in the community, under form of law, they have made inquiries of the highest authority (the Judges, District Attorney, and Records), and have had them all confirmed.

We are renewedly confirmed in the opinion, that the cause of humanity, is extensively subserved by the zealous and disinterested efforts of the Agent.

Signed,

E. H. BONSTALL,
WM. S. PEROT,
OLIVER EVANS.

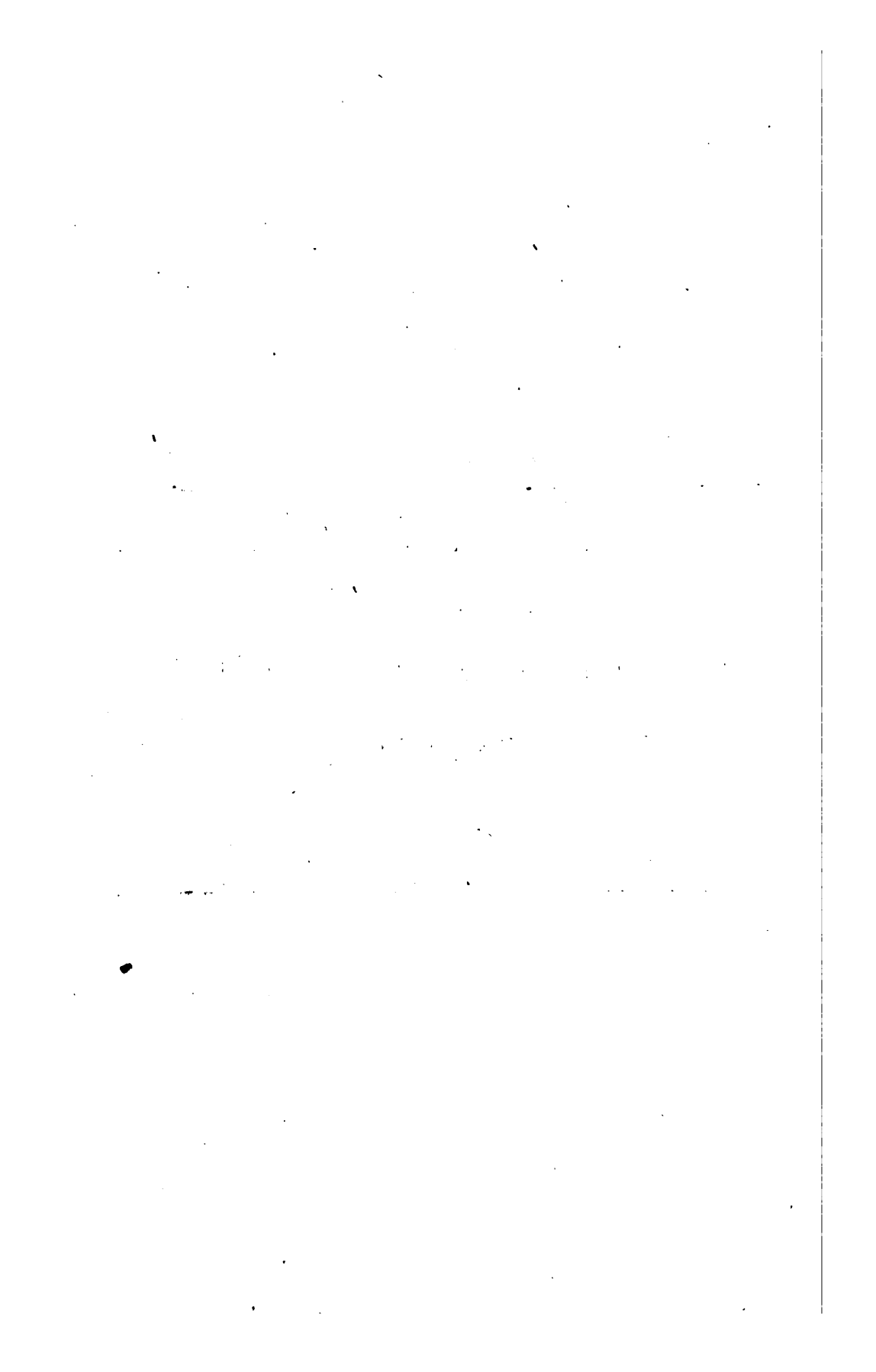
Philadelphia, 1st mo., 6th, 1858.



James Black

SIXTH ANNUAL REPORT
OF
WILLIAM J. MULLEN,
PRISON AGENT.

JANUARY 1, 1860.



SIXTH ANNUAL REPORT
OF
WILLIAM J. MULLEN, PRISON AGENT,
AS ORDERED TO BE PUBLISHED BY
THE PHILADELPHIA SOCIETY,
FOR ALLEVIATING THE MISERIES OF
PUBLIC PRISONS,
INSTITUTED 1787.

PHILADELPHIA, JANUARY 1, 1860.

OFFICERS OF THE SOCIETY:

PRESIDENT—JAMES J. BARCLAY.

VICE-PRESIDENTS—TOWNSEND SHARPLESS, DR. WILLIAM SHIPPER.

TREASURER—EDWARD H. BONSALE.

SECRETARIES—WILLIAM PARKER FOULKE, EDWARD TOWNSEND.

COUNSELLORS—HENRY J. WILLIAMS, HENRY M. PHILLIPS.

MEMBERS OF THE ACTING COMMITTEE;

**F. A. Packard,
Charles Ellis,
Wm. S. Perot,
Thomas Latimer,
John M. Wetherill,
John J. Lytle,
Samuel Caley,
Abram C. Brown,
Benj. H. Pitfield,
John Horton,
Isaac Barton,
Richard Williams,**

**Wm. L. Edwards,
James E. Kaighn,
Alfred H. Love,
Jeremiah Willetts,
Wm. H. Burr,
D. Shepherd Holman,
Jacob T. Bunting,
Thomas J. Miles,
Dr. Geo. H. Burgin,
John C. Farr,
George Taber,
Wm. Kederlen,**

**Mahlon H. Dickinson,
John L. Capen,
William Ingram,
James Peters,
Joseph Keen,
Robert E. Evans,
Albert H. Franciscus
Wm. R. McAdam,
Wm. Chapman,
George Bringhamst
Charles Palmer,
Charles P. Perot**

PRISON AGENT,—WILLIAM J. MULLEN.

**PHILADELPHIA;
FAMILTON & CHEMIN, PRINTERS,
337 CHESTNUT STREET.**

1860.

The following is an extract from a Report of Wm. S. Perot, Chairman of Committee on County Prison, in reference to the Agent and his services.

"It will be seen, by the Agent's Annual Report, that he has been untiring in his devotion to the important trust committed to his care—and the Committee unite in testimony with the Inspectors of the County Prison in their approbation of the invaluable services rendered by him to the cause of humanity in protecting the Innocent, and pleading for those who have neither money nor friends to defend themselves from oppression. His whole time and services are devoted to the cause, in which his heart is engaged; as may be truly said, in "alleviating the miseries of a Public Prison—and certainly without receiving a proper pecuniary recompense."

(Signed,) WM. S. PEROT, ..

Chairman of the Visiting Committee on County Prison.

January 6th, 1880.

PHILADELPHIA, JANUARY 1ST, 1860.

To the Visiting Committee on County Prison of the "Philadelphia Society for alleviating The Miseries of Public Prisons."

GENTLEMEN :

The Agent herewith presents his Sixth Annual Report. He would inform the Society, that, during the past year, there have been liberated from Prison through his interference 1159 persons, at the cost of but \$47.23, which were paid to the District Attorney and to Magistrates in special cases. These were all Court Cases, and not committed for vagrancy, inebriety, or breach of peace, which are more properly seen to by the Inspectors. Their imprisonment, upon a careful investigation, appeared to be unjust and improper—they having been, in most instances, imprisoned for offenses, of which they were not guilty. And even if guilty, (as in some instances was undoubtedly the fact), their offenses were of so trifling a character, that it justified the Court and the Magistrates in granting their immediate release without going to trial, or any longer detention in prison—as it did not appear, that the ends of justice could be subserved by any further action in reference to them.

Their liberation saved to the County, \$9,039.40—of which \$4,126.80 would have been required to be paid, as costs for ignoring their Bills, at \$3.80 for each case—and \$4,912.60, which their food would have cost, had they remained in prison till the commencement of the term of Court for trial.

The indescribable sufferings, which have attended many of these arrests, and which, in some instances, have been accompanied by loss of life, can perhaps, be better imagined from the recital of the following cases, which we take from the number released.

A worthy, temperate man and his wife were, while peacefully sleeping, roused from their bed at midnight, and arrested and committed to prison, on the charge of disorderly house, and assault and battery—which charges were wholly groundless, as was shown by their subsequent acquittal in Court, upon a trial by a jury—I having previously become Bail for them. At the same time, a woman was arrested for a breach of the peace. Before the Agent could effect their release, a child of the last named, for want of the absent mother's care, fell from a third story window, fractured its skull, broke its ribs, and destroyed an eye—besides

receiving such severe internal injuries, as to have caused the Hospital Physicians to despair of its life. And also, while a kind-hearted neighbor woman had come to the prison to inform the mother of the fatal accident, her own child fell from a chamber window, and was killed on the spot. And all this misery, woe and death were occasioned by this improper imprisonment, and the want of humanity in the party causing the arrest, who ought to have consented to the immediate liberation of the prisoners, when the Agent asked him to do so, after learning the facts of the case.

Another instance of oppression may be witnessed in that of a man, who was accused of stealing a Horse. While he protested his innocence, his Prosecutor, on the contrary, persisted in claiming the animal. The Agent, after seeing the original owner, from whom the Prosecutor purchased, ascertained by measurement, that the horse claimed was three hands taller than the one stolen, though the marks were the same on both—a fact which, in all probability, would not have been discovered, had the case gone to trial—as the Prosecutor would undoubtedly have testified before the Court, as he had done before the Magistrate, that the Prisoner had stolen his property. The Agent's proceedings in seeing the man, of whom the Prosecutor bought the horse, are not usual in Court cases—it being only required, that the Prosecutor should testify on oath, that the article claimed is his, and the Prisoner is convicted.

A third case was that of 14 Sailors, who appeared to be wrongfully imprisoned on a charge of Mutiny on the high seas. The Agent accomplished their release in the United States Court, on a writ of Habeas Corpus—on which occasion Judge Cadwallader delivered a lengthy and carefully prepared opinion in their case. Their imprisonment seemed to be most unjust, and was indeed a great hardship under the circumstances. The whole difficulty in the premises had apparently arisen from the prisoners, asking for food sufficient to sustain nature, while required to do full duty on shipboard—which food, they say, had not, previously, been furnished to them. By this timely liberation, they were not only saved from much undeserved suffering, but were permitted to ship at once, instead of remaining in prison for months, to be tried in mid-winter—at which time, even if acquitted, it would not have been easy to ship. Their release was effected, with no other expense, than that of 25 cents paid to the jailor of the Debtors' Prison for the transcript.

The whole number of Commitments to our County Prison, for the year was 19,846. Out of these only 675 were, upon trial, found guilty and sentenced and recommitted to imprisonment. Of these 229 were sentenced to hard labor. The number of cases, acted on by the Grand Jury, during the year, was 3,918—out of which 2,122 True Bills were found, and 1,796 were ignored.

By way of showing the character of the cases, that occupied the attention of the Inquest, we give the following from their presentment in the September term.

Of the 585 cases, then acted on by them, 304 were True Bills, and 281 were ignored. Of the whole number acted on, 308 were for Assault and Battery. Of these 308, 168 were ignored, and 140 True Bills were found. Out of these 140, only 51 were, on trial convicted! Making the whole number convicted for various offenses during the term but 102, out of the 585 cases acted on by the body. The same Grand Jury said, "But one *regret* was felt—that the Costs, in all trifling cases, could not be placed upon the Committing Magistrates."

The crowded state of our Prison, which is mainly caused by the excessive use of intoxicating liquors, requires a House of Correction, as a remedy. The Commitments are annually on the increase, as will be seen in the present year's increase of nearly 5000 over the previous year, and something must at once be done to rid the Prison of the vagrants and inebriates, who occupy the cells, intended for the legitimate business of the Prison—an object that now appears likely to be accomplished, as this whole subject of the necessity of a House of Correction, is in the hands of an able Committee, consisting of Members of Councils, Prison Inspectors, and Guardians of the Poor. These gentlemen have had several meetings, and seem determined to accomplish the much desired end, if possible. It now only remains for Councils to make the necessary appropriation, and the work will be done, and the City be saved from the needless expense of supporting able-bodied paupers in idleness.

The last Grand Jury have reiterated what every Grand Jury have, for years, said, in substance, on this subject—which is, as follows :

"We were much impressed by learning, that numerous applications are constantly made for admission into the Prison. The Magistrates are besieged by persons asking to be committed, who, if refused, often perpetrate some offense, in order to be sent to jail. Restraint and coarse fair, it seems, are luxuries for a portion of our Society, and the comforts of a Prison are greater, than vice, and ignorance and idleness can obtain elsewhere. It is plain, therefore, that for one class of our population—a class, too, most liable to require punishment—this place of punishment has no terror—nay, that it is actually a temptation to crime. The law is thus disarmed—the ends of justice defeated—and vice, vagrancy, and disorder, instead of being repressed by public authority, are encouraged."

The remedy for this anomalous state of things is a House of Correction, by which the Community would be relieved of the drunkenness and idleness, and petty crime, by which it is infested. The inmates of such an Institution could also be trained to habits of temperance and industry, and taught some craft, by which they might make an honest living, and thus be returned to Society, useful members, instead of its pest and plague. A House of Correction, well managed, would probably be almost, if not quite self-supporting; it would certainly save much expense in Prisons and Almshouses; and any increased cost it

might require would be well spent in securing the social advantages, of which it would be the source."

Judge Thompson, of the Quarter Sessions, says, "A House of Correction is, perhaps, the only remedy for the vast amount of crime and Pauperism. How far our poor County can afford to remedy this evil, the Judge was not prepared to say. He believed that, if such an Institution was erected, the City would soon find itself relieved of a portion of the vast expense of maintaining the Prison and the Almshouse."

In July last the Agent visited the principal Prisons in the State, under the authority of Gov. Packer—and while he found much to admire in their management and discipline, he found also mismanagement of the grossest kind, which requires Legislative interference. All of those, which are managed on the Separate system, he found in a praiseworthy condition—especially the Harrisburgh and Lancaster Prisons, and the Western and Eastern Penitentiaries—exhibiting much to be commended in their discipline. The particulars of these visits have been transmitted to the Governor as he requested.

The National Convention held in our County Prison, on the 8th of July last, to consider, "what is the best system of discipline and management of Convicts, with a view to their reformation and the good of Society"—"what system of labor is best calculated to impress a sense of Justice and Right on the minds of Convicts, and at the same time remunerate the Public for the expense of their keeping"—and "what is the most economical mode of managing a Prison, consistent with the health and physical well being of the Convicts?"—shows, that the subject of Prison discipline is beginning to be understood, and has attracted the attention of experienced men, many of whom, having been Inspectors and Keepers of Prisons for years, were deemed fully qualified to consider and discuss this important subject. With them were associated, on the occasion, the Inspectors and the Members of our Prison Society. During the Session of the Body, the relative advantages of the Congregate and Separate Systems were thoroughly discussed, and the merits of the latter were fully shown. The proceedings resulted in the formation of a National Society, to meet annually to consider and discuss the best method of Prison Discipline, and the President was authorised to appoint two competent persons to prepare addresses, to be presented at the next meeting of the Society—one of the addresses to be on the advantages of the Congregate System, and the other on the merits of the Separate System. These proceedings demonstrate, that this subject has become one of the leading questions of the age, and is occupying the minds of great and good men, whose benevolence has prompted them to take into consideration the condition of the fallen, with a view to their reformation.

The Agent, as in past years, has given special attention to discharged Convicts, and has seen that they were supplied with homes, or with Railroad tickets to take them to their distant friends, and in many instances, with small sums of money, clothing and employment. By this means they were aided in helping themselves, and in a great measure prevented from relapsing into crime.

The Humane and good management of the Prison Inspectors continues satisfactory to the prisoners, as the strict economy enforced by them is satisfactory to the public.

The Superintendent, Mr. William B. Perkins, maintains, as heretofore, a wise and judicious discipline, which secures order and harmony throughout the Prison. The Prison is in an excellent condition, and the health of the prisoners is good.

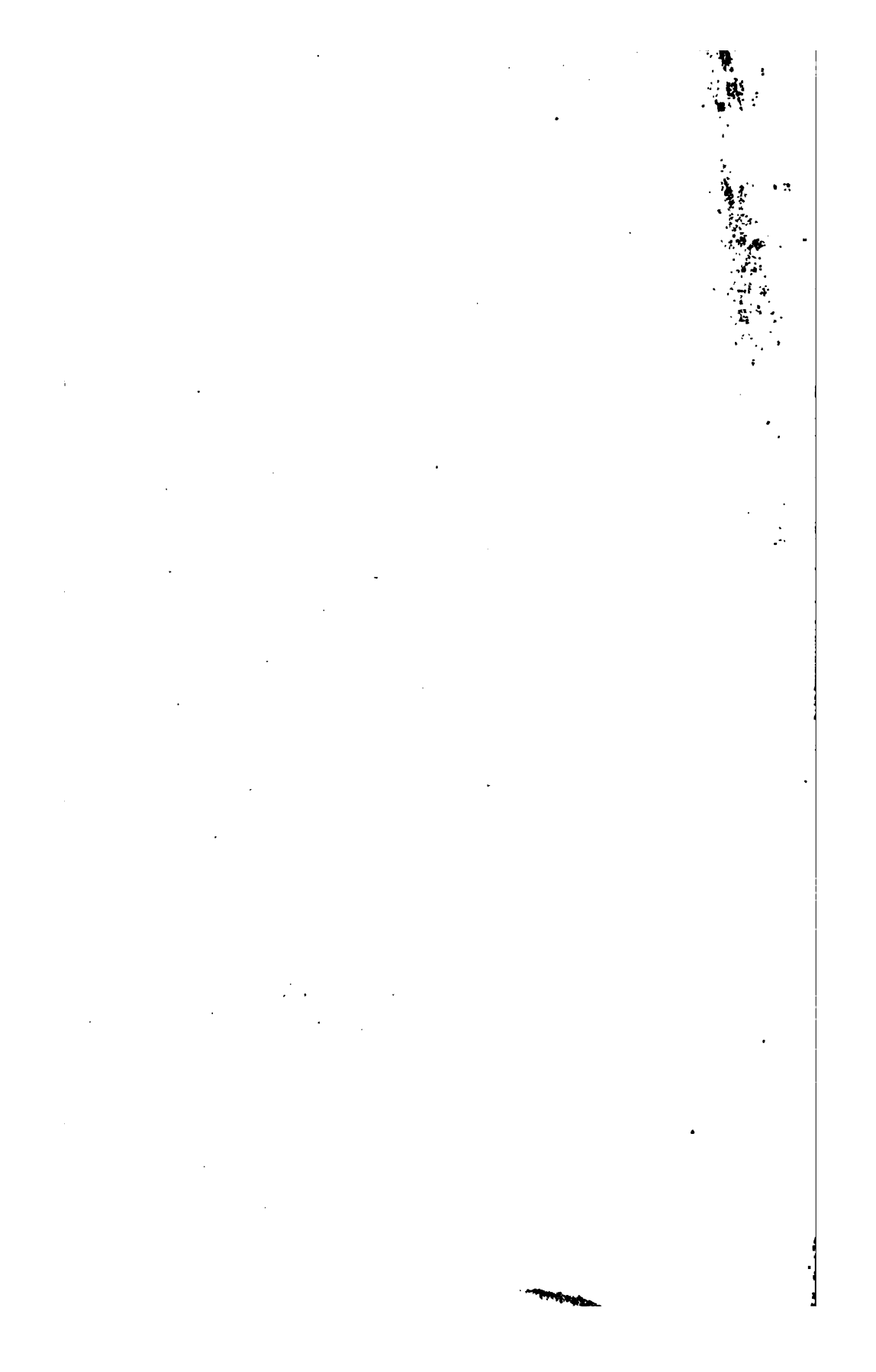
The moral instruction dispensed on the Sabbath, (together with the systematic instruction given, during the week, by members of your Committee through Scriptural and other lessons) continues acceptable to the prisoners, and there is reason to hope, that it has not been without its good results. The Sabbath Instruction is under the supervision of the Agent, who is in attendance, and sees, that there is a regular supply of suitable clergymen.

In conclusion, the Agent feels grateful, that he still receives the unanimous approbation of the Prison Inspectors, as appears from the following extract, taken from their last Annual Report, from the pen of their President, Dr. Biddle.

“The Prison Agent, Mr. Wm. J. Mullen, gives full satisfaction in the discharge of the peculiar duties of his Office. The Board are well convinced of the great good, accomplished by this Officer, and of his perfect uprightness in the execution of the delicate and responsible functions entrusted to him.”

The approbation of the inspectors, together with the approval and support accorded to him by the City Councils and the Courts, and the good wishes manifested by his fellow citizens generally, inspire him with thankfulness, and a full disposition to trust in the Divine guidance in his future undertakings, and with a hope, that his usefulness may continue to increase and give satisfaction in the responsible position he is permitted to occupy.

W. J. MULLEN,
Prison Agent.



James Black.

SEVENTH ANNUAL REPORT
OF
WILLIAM J. MULLEN,
PRISON AGENT.

JANUARY 1, 1861.

SEVENTH ANNUAL REPORT
OF
WILLIAM J. MULLEN, PRISON AGENT,
TO
THE PHILADELPHIA SOCIETY,
FOR ALLEVIATING THE MISERIES OF
PUBLIC PRISONS,
INSTITUTED 1787.

PHILADELPHIA, JANUARY 1, 1861.

OFFICERS OF THE SOCIETY:

PRESIDENT—JAMES J. BARCLAY.

VICE PRESIDENTS—TOWNSEND SHARPLESS, DR. WM. SHIPPEN,

TREASURER—EDWARD H. BONSALL.

SECRETARIES—WM. PARKER FOULKE, JOHN J. LYTLE.

COUNSELLORS—HENRY J. WILLIAMS, SAMUEL H. PERKINS.

MEMBERS OF THE ACTING COMMITTEE.

Frederick A. Packard,
Charles Ellis,
Wm. S. Perot,
Thomas Latimer,
John M. Wetherill,
Samuel Caley,
Abram C. Brown,
Benj'n. H. Pittfield,
John Horton,
Isaac Barton,
Richard Williams,
James E. Kaighn,

Alfred H. Love,
Jeremiah Willits,
William H. Burr,
Jacob T. Bunting,
John C. Farr,
George Taber,
William Kederlen,
Mahlon H. Dickinson,
William Ingram,
James Peters,
Joseph Keen,
Robert E. Evans,

Albert H. Franciscus,
William B. McAdam,
William Chapman,
George Bringham,
Charles Palmer,
Charles P. Perot,
William H. Dennis,
Charles C. Lathrop,
Thomas A. Robinson,
Samuel Emlen,
William Dorsey,
George Vaux.

PRISON AGENT,—WILLIAM J. MULLEN.

PHILADELPHIA;
FAMILTON & CHEMIN, PRINTERS,
337 CHESTNUT STREET.

1861.

Extract from the Report of the Committee on the County Prison.

"By the Agent's Annual Report, it will be seen that his official deportment meets with the entire approval of the Inspectors and Officers of the Prison, that his interest in the cause of suffering humanity continues unabated, and his endeavors to ameliorate or relieve entirely the afflictions of the oppressed and the friendless, have in a multitude of cases been eminently successful."

In view of these considerations your committee can not do otherwise than recommend the Prison Agent, Mr. Wm. J. Mullen, to a continuance of your confidence and the liberal support of the Society.

JOHN C. FARR,

Chairman of Committee on County Prison.

January 16th, 1861.

PHILADELPHIA, JANUARY 1, 1861.

To JOHN C. FARR,

*Chairman of the Committee on County Prison,
of the "Philadelphia Society for alleviating the Miseries
of Public Prisons."*

RESPECTED SIR :

The Agent herewith submits, for the information of the Society, his Seventh Annual Report. From this it will appear that, during the past year, he has succeeded, by help of the legally constituted authorities, in liberating from Prison one thousand three hundred and five (1,305) persons (forty three of these being little children) out of 3,000 cases investigated, at an expenditure of \$202,28 in costs, which were necessarily paid to the magistrates and others to effect their release. These were court cases, the majority of which upon examination did not appear to be deserving of incarceration. Indeed their imprisonment seemed, in many instances, to be extremely unjust and oppressive ; it being evident, that the motive prompting it was the gratification of malignity and revenge, or the desire of pecuniary gain on the part of those concerned. These suits are too often brought by persons of intemperate habits, who seem unconscious of the misery which follows in almost every such instance ; especially where a parent is taken from a family, and the children are left unprotected, unprovided for and uncared for. It is in cases like this, that the agent steps in and affords such temporary protection and care to the little ones, thus left desolate, as may be requisite until he has succeeded in effecting the release of one or both parents. The timely relief given in this way to the aching hearts of such can be more easily imagined than described. If an appeal to the mercy of prosecutors and magistrates should ever have force, it is certainly where a forsaken family, through the absence of the parent in Prison, are suffering from the want of necessary care and tendance. When, under such circumstances, the Agent has succeeded in liberating the parents and restoring them to their homes which, otherwise, might have been broken up and the families scattered, the joy of both parents and children, which we have often seen manifested by the silent-trickling tear, that speaks the heart's gratitude louder than words, has been touching beyond description.

Many of the persons mentioned above were unquestionably guilty ; but their offenses were so trivial, or were accompanied by such mitigating circumstances, that the Agent felt justified in asking of the authorities for their immediate release without going to trial. To await trial might have caused their detention in Prison for months, before they were finally disposed of by the Grand Jury ; and such detention did not appear necessary to subserve the ends of justice, (as the imprisonment already undergone was deemed sufficient), while it might be ruinous to themselves and the helpless ones depending upon them for support, as well as detrimental to the community.

Their liberation saved to the County, \$11,349,02,—of which \$6,069,53 must have been paid, as Costs for ignoring their Bills at \$5,27½ for each case, and it would have been even more than double this, had the cases been tried before a Jury ;—\$5,279,44, which their food would have cost, had they remained in Prison till the commencement of the next term of the Court for trial, which was the earliest period they would regularly have been disposed of.

The oftentimes unjust and distressing character of these arrests may be partly imagined from the following examples.

One of these cases was that of a woman, committed to Prison for Assault and Battery, while four of her children were lying sick with Scarlet Fever, one of whom died before the Agent could effect her release, as he soon did. He saw, that the little sufferers were, meanwhile, cared for, supplied with medical aid, and with nourishment suited to their condition.

Another was that of a woman having also four children who, accompanied by three of them, was committed to Prison on the charge of Assault and Battery, brought by a Drunken Woman, more blameable than herself. The fourth child was left at home, without care and with nothing to eat but Sour Pickles, which the Agent, on entering the house, found her devouring to stay her hunger. He furnished the child with suitable food, and at once obtained the mother's restoration to her home.

Another case was that of a German Woman, convicted of keeping a disorderly house. The Agent ascertained, that this disorder had been mainly caused by an insane child of hers, who was of course uncontrollable. The Judge, on learning this, ordered her release.

Another was that of a respectable woman, who was committed for stealing her own dress. The Agent proved her innocence by the Mantuamaker, who made the dress, and thus obtained her immediate release.

Another was that of a man committed for stealing a dog. The Agent, upon investigation, satisfied the Court, that a different person was the thief ; and a Nol. Pros. was entered, at the expense of the Prosecutor, who cheerfully paid the Costs, and did all in his power for the prisoner's prompt release.

Another was that of a boy committed for stealing a tumbler. The Agent discovered his innocence, and he was at once released.

Another was that of a man committed for Assault and Battery, leaving a family in deplorable distress. The Agent procured his release by help of the Prosecutor, and the parties became friends, to the great joy of all concerned; while much undeserved suffering was saved to the family depending upon the person for support.

Of two other cases, one was that of an individual committed for taking an apple: and the other that of one, who was sent below for taking a cake, value one cent, to stay his hunger, while without means or employment.

And still another was that of a respectable man, who accidentally broke a looking-glass. He at once paid the damage; but a policeman, much against the proprietor's wish, had the man sent below for malicious mischief. The Agent obtained his speedy release.

Our closing example is the case of a man and his wife, who came hither from the country to purchase some clothing, and put up in a Market street Hotel. On the morning after their arrival, the husband bought a shawl, with the understanding that, if it should not suit, it would be taken back and the money returned. On seeing the shawl his wife concluded to keep it. The two starting out, next day, to make further purchases, were overtaken by a furious storm and sought temporary shelter in an alley where, while the man was helping his wife take off the shawl to prevent its injury by the weather, a passing policeman charged them with stealing it. They denied the charge, and stated where they bought the article, and offered to lead the officer to the place. But, as they could not recall the seller's name, he refused to accompany them. They then asked the officer to attend them to their Hotel, where they would show him the card of the shawl-seller. But, as they could not remember the name of their Hotel or landlord, he refused their request, and had them locked up in a Station House, till a hearing took place, when they were committed on suspicion of larceny. At this moment the Agent took up the matter, and found their Hotel and its landlord, who went to the prison and identified the prisoners, as his missing lodgers, and they authorised him to unlock their carpet bag and give the Agent the shopkeeper's card therein. Taking this the Agent visited the shopkeeper, who remembered all about the shawl, and accompanying him to the Station House, satisfied the Alderman and Policeman of the innocence of the accused, who were immediately discharged.

In these examples, it is thought, the reader will find a verification of what was said concerning the *trivial* nature of the charges, which too often send persons to Prison, as well as the suffering and misery, which are the frequent results.

The whole number of Commitments to our County Prison, for the last year was 20,809—out of which there were only 781 convicted and sentenced and recommitted to Prison—leaving 20,078, who were otherwise disposed of by the Courts, Magistrates, Inspectors, and others in authority.

The number of cases acted upon by the Grand Jury, during the year, was 5,171—out of which 3,861 True Bills were found, and 1810 were Ignored.

In a late Presentment the Grand Jury remark, that “to the indiscriminate sale of intoxicating liquors, is to be attributed the large number of Bills brought to their notice, charging all manner of crimes.”

In the *twenty murders* committed during the past year; in the 2,081 cases of assault and battery; and in the 10,995 cases of Intoxication and Breach of Peace, which have passed under his eye in Prison; the Agent has found the above statement to be literally true—true in former years as well as this—as he can safely say, that nearly all these offences originated in Rum. At enormous expense the community maintain the institutions of civil and criminal justice for the repression and prevention of crime, while also supporting

Penitentiaries and other kindred establishments for punishing, by confinement, the infractors of the Laws. And yet hundreds and thousands of dram-shops are allowed, almost unmolested, to deal out, even on the Sabbath, and to the Youth of our City, as to all beside, that maddening draught, which brings men and women, of all descriptions and positions in life, to a common level of degradation; and which acts as the universal, and we might say, the almost sole incentive to vice and crime! Why is it, that such a state of things is tolerated, under cover of law, in a civilized and christian community? If we wished to discover something, which, beyond all else, was adverse to our principles of morality and religion; and which outraged, in the extreme, our every sentiment of decency and propriety; could we possibly find any thing so exactly corresponding to our wish; anything so entirely opposite to what we teach and preach and desire to have exist, as the prevailing practice of using intoxicating liquors? Could we find anything so effectually instrumental as this in filling our prisons with parents, who leave their children in cheerless homes, shrinking into death under the pressure of nature's commonest wants? Would that we could speak with a voice, that might influence our law-makers to suppress this monster-evil, which is sowing the seeds of destruction in our midst and plunging so many of our fellow citizens into the abyss of misery and ruin!

The crowded state of our Prison calls loudly for a House of Correction, as a remedy. To secure this object, requires only an appropriation by Councils, now that ample legislation has been obtained, and wise and good men have been appointed, who have the public confidence from their position in society and their practical knowledge of such matters; and who thus are eminently fitted to accomplish the work, if Councils will supply the means. The Prison would thereby be relieved of the Paupers, Drunkards and Vagrants, who now mainly occupy its cells, and not only embarrass the Inspectors in its management, but defeat its legitimate purpose of caring for offenders in accordance with the separate system, as originally designed. The establishment of this Institution would greatly diminish the expenses of the Prison and save thousands annually to the taxpayers; as the able-bodied paupers, instead of being supported in idleness, as at present, would then be compelled to work to earn their keep. For these reasons it would seem true economy in Councils to make a speedy appropriation.

The inmates of such an Institution, while trained to habits of cleanliness, temperance and industry, could be taught some trade, whereby they might earn an honest livelihood; and by this means relieve the County of a needless expense, and become useful members of society, instead of being, as now, burdensome to it.

There is no apparent reason why an Establishment like this, if judiciously managed, might not be nearly, or quite self-supporting.

In attending to the affairs of the Prisoners, over 400 letters have been written, within the year, to parties interested. The Agent has, as heretofore, given special attention to discharged Convicts; having in many instances supplied them with clothing and temporary homes and obtained for them permanent employment, which has enabled them to gain an honest living by their own industry. He has also, whenever necessary, furnished them with Rail-Road Tickets and sufficient money to take them to their distant friends, who would render them permanent assistance.

The kind and humane, yet withal strict and economical management of the Prison Inspectors still gives, as heretofore, satisfaction alike to the Prisoners and the Public.

The Superintendent, Mr. Wm. B. Perkins, from his long experience, as a Prison Officer, has been enabled to preserve such discipline in the institution, as wins general commendation. Its condition is good, it being remarkable for its cleanliness and the purity of its

atmosphere, and its inmates, with few exceptions, are healthy under the skilful treatment of the Prison Physician, Dr. Henry Y. Smith. This fact may, in a great degree, be ascribed to the effects produced by the carrying into execution of the following resolution, adopted by the board of Inspectors, and which is now in full force;—“Resolved, that the use of Tobacco by any of the Prisoners in this Prison be, from and after this date, positively prohibited, except when the use thereof, in special cases, shall be recommended by the Visiting Physician in writing.” The interdiction of this article, besides improving essentially the health of the Prisoners, and augmenting the cleanliness of the building, will annually save, on an average, \$285,28 in the Prison expenses, as appears from the past outlays for this item.

The female department of the Institution, in which, during the past year, there have been 5,279 commitments, under the genial, good-natured supervision of the keeper, Mr. Sargeant, assisted by the two worthy matrons, may be pronounced a model of its kind for cleanliness, excellent ventilation, industry on the part of the convicts, good order and quiet.

Out of the number of discharged female convicts disposed of, very many have been taken by the Agent to the Howard Home, a most excellent Institution under the management of female Friends, where they are required to remain sufficiently long to be instructed in the various kinds of needlework and different branches of housework, and thus to become fitted to earn for themselves an honest livelihood. After having been so instructed, they are properly clothed and places obtained for them through this influence.

These praiseworthy efforts in behalf of the unfortunate may truly be said to be practical benevolence and cannot fail to produce good.

Besides those disposed of, as above, many were taken to the Rosine, the Magdalene, and other Reformatory Institutions.

The Moral Instruction given on the Sabbath, under the Superintendence of the Agent, who sees that there is a regular supply of properly qualified clergymen, and the Scriptural and other lessons dispensed by your Committee, in their daily visits and intercourse with the prisoners, still continue to be acceptable, and can hardly fail to result in good—especially as they are accompanied by books, tracts, &c. of not only a reformatory, but of an elevating and spiritual tendency, which is calculated to bring about a “newness of life,” the great object aimed at by these efforts.

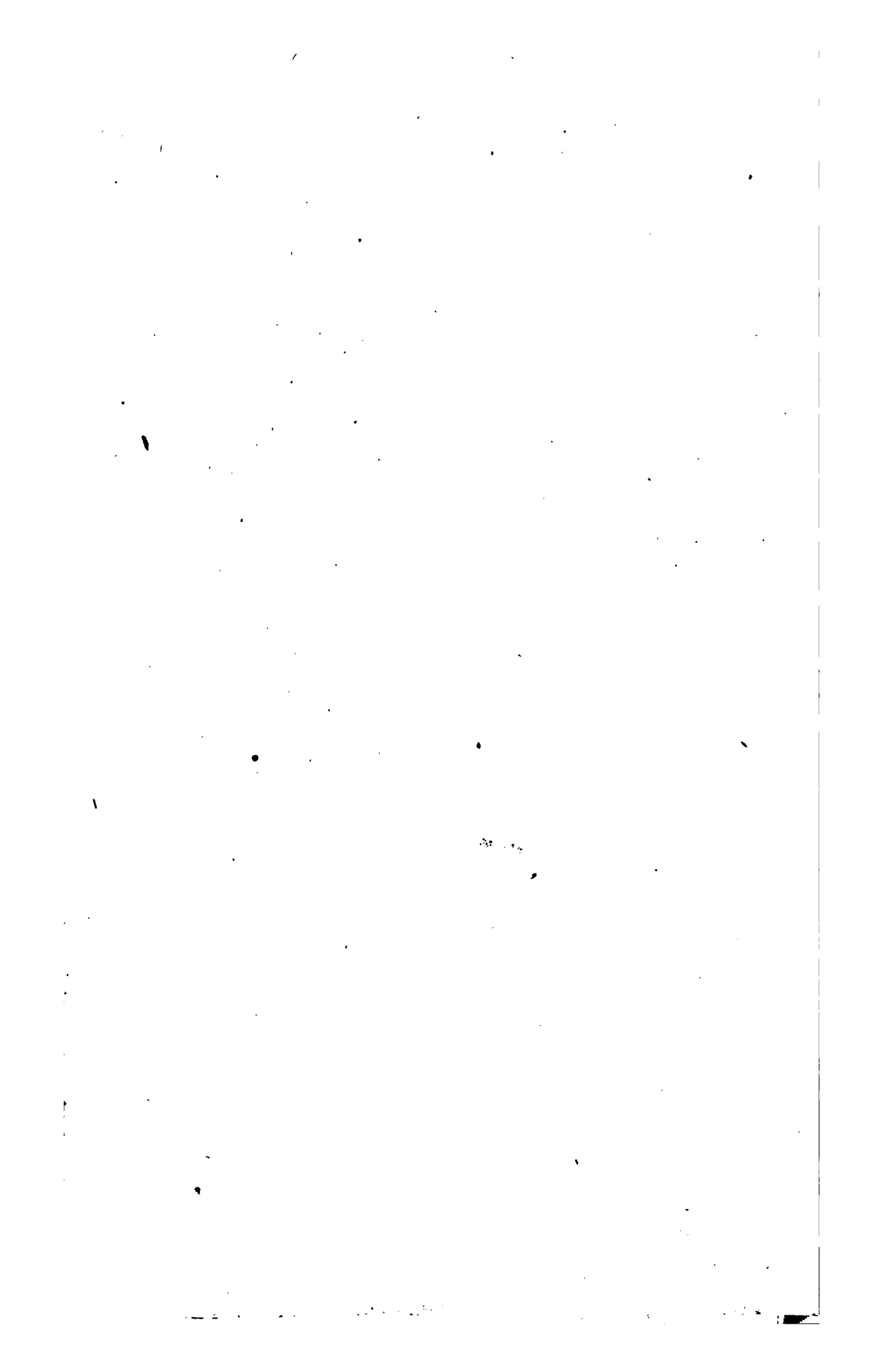
The undersigned feels happy to say that the approval of the Prison Inspectors is still extended to him, as may be seen by the following extract taken from their Annual Report for 1860.

“The Board have entire confidence in their Agent, Mr. William J. Mullen, whose unwearied efforts in his especial line of duty have been the means of accomplishing a great amount of good.”

The approbation accorded him, not alone by the Inspectors, but by the Courts and City Councils, and the kind wishes which are shown in his behalf by his fellow citizens at large, are occasion to the Agent of sincere gratitude, and help to confirm his disposition to rely on Divine guidance in his future labors, and to give him the assurance, that a superior power guides all human actions, when tending towards the good of suffering man, and inspire the hope that his services may grow more and more valuable and acceptable to the public, in the important office he is permitted to occupy.

All of which is respectfully submitted.

W. J. MULLEN,
Prison Agent.



James Black

EIGHTH ANNUAL REPORT

OF

William I. Mullen,

PRISON AGENT,

January 1, 1862.

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EIGHTH ANNUAL REPORT
OF
WILLIAM J. MULLEN, PRISON AGENT,
TO
THE PHILADELPHIA SOCIETY,
FOR ALLEVIATING THE MISERIES OF
PUBLIC PRISONS,

INSTITUTED 1787.

PHILADELPHIA, JANUARY 1, 1862.

OFFICERS OF THE SOCIETY:

PRESIDENT—JAMES J. BARCLAY.

VICE PRESIDENTS—TOWNSEND SHARPLESS, DR. WM. SHIPPEN.

TREASURER—EDWARD H. BONSALL.

SECRETARY—JOHN J. LITTLE.

COUNSELLORS—HENRY J. WILLIAMS, SAMUEL H. PERKINS.

MEMBERS OF THE ACTING COMMITTEE.

Charles Ellis,
Wm. S. Perot,
Thomas Latimer,
John M. Wetherill,
Samuel Caley,
Abram C. Brown,
Benj'n. H. Pittfield,
John Horton,
Isaac Barton,
Richard Williams,
James E. Kaighn,
Alfred H. Love,
William Armstrong,

Jeremiah Willits,
William H. Burr,
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William Ingram,
James Peters,
Joseph Keen,
Robert E. Evans,
T. A. Beaux,
Chas. Harbert,
A. Martin,

Edward Townsend,
Albert H. Franciscus,
William R. McAdam,
William Chapman,
George Bringham,
Charles Palmer,
Charles P. Perot,
William H. Dennis,
Charles C. Lathrop,
Thomas A. Robinson,
Samuel Emlen,
William Dorsey,
George Vaux,
Morris Patterson.

PRISON AGENT—WILLIAM J. MULLEN.

PHILADELPHIA;
FAMILTON & CHEMIN, PRINTERS
337 CHESTNUT STREET.

1862.

Extract from the Report of the Committee on the County Prison.

The Committee cannot but commend the untiring zeal of the Agent, Wm. J. Mullen, in his peculiar vocation, prompted by a spirit of benevolence that seems never to fail, in season and out of season, he is ever ready to engage in whatever effort may be necessary to relieve the unfortunate, or to succor the oppressed—His report for the present year contains much interesting matter. It was our intention to have made some extracts from it, but we presumed the committee would prefer to have it entire before them.

JOHN C. FARR,

Chairman of the Committee on County Prison.

The Acting Committee appointed the following Committee, who examined the Agent's Report, and authorized its publication, in accordance with the appropriation for that purpose.

EDWARD TOWNSEND,
WILLIAM S. PEROT,
GEORGE TABOR,
JACOB T. BUNTING,
CHARLES C. LATHROP,
JEREMIAH WILLITS.

January 1st, 1862.

PHILADELPHIA, JANUARY 1, 1862.

To JOHN C. FARR,

Chairman of the Committee on County Prison,
of the "Philadelphia Society for alleviating the Miseries of Public Prisons."

RESPECTED SIR :

The undersigned would submit, for the information of your Society, his Eighth Annual Report. It will appear from this that, within the last year, he has succeeded, with the co-operation of the constituted authorities, in liberating from prison one thousand, one hundred and eighty-two persons, (forty or more of them being small children,) at a cost of \$100.90, paid to the Magistrates and other officials. These were from about 2700 cases investigated. The parties were all committed for Court; but on a careful examination it was found, that the imprisonment of a majority of them was either extremely unjust and oppressive, or for offences so trivial, or accompanied by such mitigations, that a further confinement did not seem demanded by either justice or expediency. It was discovered, that many of these suits sprang either from vindictive malice, or from a thirst for gain; while others were instituted by intemperate persons, who unconsciously or wrecklessly overlooked the wretchedness they caused by incarcerating parents, whose children were thereby left without protection or support.

The intervention of the Agent in such cases to provide for these forsaken ones, until he had succeeded in releasing their natural protectors, has often afforded to sorely wrung hearts a relief, which imagination must grasp, rather than language describe. The restoration of parents to homes, which must else have been desolated by the dispersion of their inmates, has repeatedly awakened a joy both in the liberated and their little ones, whose manifestations, either in thankful words, or in tears that silenced speech, were to your Agent inexpressibly affecting.

It is not, of course, denied, that many of the above were, to some extent, guilty; but, for the reasons assigned, it was concluded that their release, at the time it was effected, was an act both equitable and wise.

The liberation of the persons referred to, saved to the County the sum of \$9,845.21—of which \$6,235.05 must have been paid, as costs for ignoring their bills at \$5.27½ for each case, and \$3,610.16½, which their maintenance would have cost, had they been retained in prison till the earliest regular period for disposing of their cases. The actual cost of the food of an untried prisoner per day, exclusive of salaries and other expenses, is 13 35-100 cents.

Both the unjust and distressful, and the trivial character of these arrests may be partially understood from the several instances given at the close of this report. And here the Agent would remark, that his object, in executing the duties of his office, is not so much to effect the release of a large number, as to liberate those only, who ought to be at liberty.

It seems appropriate to the general character of this Report, that we here insert the following Memorial to the City Councils, praying for a reform in the City Magistracy. It will be seen, that this document is a confirmation by our fellow citizens of the views so frequently expressed by the Agent in his former Reports. It is taken from the North American of Nov. 8d, 1861.

The subjoined memorial was presented to Councils at their last meeting, and the action asked for was adopted by both branches. The Grand Jury of Pittsburg recently presented similar views.

To the Select and Common Councils of the City of Philadelphia.

The memorial of the undersigned respectfully represents that the abuses in the administration of the Police Magistracy in the City of Philadelphia have long been so flagrant and serious as to be continually the subject of general and official animadversion.

Thus, the Report of the Inspectors of the County Prison, for 1858, shows that of 14,918 commitments during that year, more than one-third of the number, (5,824,) were discharged

by the committing magistrates without trial, and 410 cases were ignored by the Grand Jury. The Inspectors say (page 7): "This large number of unnecessary commitments is a great evil. The board feel strongly that our present system of magistracy requires legislative reform; and especially the costs and fees in criminal cases should in no case be paid at the office of the committing magistrate."

Again in their report for 1859, the Prison Inspectors say, (page 7): that of the commitments for the past year, 6,404 were discharged by the committing magistrates, and 387 were ignored by the Grand Jury. The report states: "The board entertain a most decided conviction that our present system of magistracy is a great social evil demanding radical reform. While costs and fees are paid in criminal cases to committing magistrates these offices will be made engines of every kind of petty oppression and extortion."

Again in their report for 1860, the Prison Inspectors present the fact that during the year there had been 6,578 persons committed, and afterwards discharged by the committing magistrates, and 375 were discharged by the Grand Jury. The Board repeat that "our present system of magistracy is undoubtedly an engine of petty oppression and extortion, and requires radical reform. The experience of the Board with its working has led them to a decided opinion that we should have a more wholesome administration of criminal law if our magistrates received their offices from some such appointing power as the courts, instead of popular election; if they held them upon a good behavior tenure, and if they were paid a fixed salary instead of by accruing costs and fees."

The same official reports will also show that more than equal numbers (generally about one-third) of the persons committed are also discharged by the Inspectors chiefly for want of room, but many of them ought not to have been imprisoned.

It further appears by the official reports of the Prison Agent that he has annually obtained the liberation of about twelve or thirteen hundred persons incarcerated for unreasonable, if not unfounded, causes.

The undersigned, therefore, respectfully pray that Councils shall, by ordinance, authorize the appointment by the Mayor of a commission of two or more persons, learned in criminal law, and experienced in its administration, who shall mature and prepare a bill for the reformation of the system of police magistracy in Philadelphia in all its associations, with a view to secure legal knowledge, intelligence and integrity in the primary administration of criminal law, and a proper regard for the liberty of the citizen, as well as for the demands of public justice; and to the end that the said bill shall be reported to Councils and presented to the Legislature to be enacted into a law.

And your memorialists will ever pray, etc.

The number of arrests made by the Police, during the last year, was 27,055. Of this number, 16,201 were committed to the County Prison, out of which there were 324 ignored and but 604 convicted and sentenced and recommitted to prison. Out of these 361 were sentenced to labor, and 143 not to labor; leaving 15,697 who were otherwise disposed of by Courts, Magistrates, Inspectors, and others in authority. Out of the above number committed, there were 3,687 females; 70 of whom were convicted and sentenced to labor, and 19 not to labor. The number committed to the female department is 702 less than last year. The whole number of Commitments of both sexes shows a decrease of 4,608 from that of the previous year.

In three, at least, of the past years' Presentments, the successive Grand Juries, like so many of their predecessors, strongly recommended the speedy establishment of the long talked of House of Correction. And this, partly on general grounds, and partly on account of the state of the County Prison, which is perpetually overcrowded with *idlers* living at the County's expense, while most of them are physically able to earn their own subsistence. The state also of the Almshouse, crowded to repletion with the same class of persons, might have been assigned, as another reason for carrying the measure into effect. The Grand Inquest, moreover, express regret at "the great increase of tippling houses in the City," and say that "a large number of the cases brought before them have emanated from these houses."

What wonder, indeed, at the crowding of prison and almshouse when, all over this vast city and within easy reach of all, are scattered those well-springs of penury, wretchedness, crime, frenzy and death; where, at all hours both of day and night, is quaffed that bewildering, maddening beverage, which brings all, without exception, who come under its power, the exalted and the lowly, the poorest and the richest, the best and the worst, the young in life's springtime, and the old in the winter of their years, and all these, too, of

either sex, down to the same hopeless level of debasement; and which finally sends its shattered victims to one or another place of confinement to secure the decent portion of the community from the annoyance and disgust and danger of their presence! Though something has been *done*, as well as much *said* towards the establishment of this so much needed Institution, the work is not yet carried into effect, as it should be.

This certainly cannot be the fault of the gentlemen having this matter in charge; as their well known ability and high-toned character eminently fit them to carry forward this work to its completion, if councils would but make an appropriation to erect the edifice on the site already selected.

Within the last year an increased number of lunatics have been lodged in our prison; many of whom were picked up in the streets and committed for want of a better home; and several others having been returned to prison from the State Insane Hospital, the case has become one of peculiar hardship and difficulty.

It appears that the Legislature, last winter enacted a Law authorising the return of incurable lunatics; and six, who had previously been sent to the State Hospital, through the Agent's interference, have actually been returned to our prison under that law.

Now it would seem, that for mere humanity's sake some provision, other than a prison should be made for these unfortunate beings. And, as our Society is designed to "alleviate the miseries of Public Prisons," would it not be well, and even peculiarly appropriate, that it should take this matter in charge?

It appears to be a gross cruelty in itself, and not less a stinging reproach upon the character of our philanthropic age, which plans so wisely and tenderly and contributes money so liberally for the relief and comfort of those smitten by God's inscrutable providence that these demented, hapless creatures should be shut up in contracted, gloomy cells, with no single thing to divert and soothe their distracted feelings. Nor less is it a cruelty to the other prisoners, as well as to the keepers of both, that they should be annoyed through the day, and have their rest and sleep destroyed through the night by the frantic screams, the discordant yells, and the demoniac sounding laughter of these unfortunate beings.

That our society is potent in influence through its high official position is a fact universally conceded. In what manner could that influence be more worthily and nobly employed, than in striving to induce the proper authorities to establish an Asylum for these our forlorn fellow creatures, where they might be judiciously cared for, while prevented from being, as now they must necessarily be, an almost insupportable annoyance, both to those having charge of them, and to those who are constrained to be, day and night, within hearing of their hideous cries. The latter, though prisoners, have their rights, which should be respected. Their comfort and even their health, as many of them are required to labor through the day, demand that, at night, they should enjoy rest and repose, which are now denied them by the frenzied shrieks of the Insane, as also of others afflicted with mania a potu, which are many.

Assuredly, then, our Society, by using its influence to provide for these helpless creatures would as we believe perform an act most honorable to itself and well pleasing to that Divine Friend of Man, who said "Inasmuch as ye have done this" (deed of mercy) unto one of the least of these, my brethern, ye have done it unto Me."

The Agent presented a memorial to the Board of Guardians of the Poor, earnestly appealing to them to receive these lunatics into the Insane department of the Almshouse until other provision could be made for them.

The memorial was referred to the Committee on Hospital, who at once sent the physician Dr. Butler, to examine the cases of Insanity, therein referred to. The Doctor reported that the persons named in the following extract from the Press, of Dec. 17th, were suitable subjects for their Institution. Whereupon the Guardians, after a full discussion of the matter in all its bearings, came to the conclusion, that they had not adequate accommoda-

tions for these lunatics, their Building not being sufficiently strong to protect the community against the dangers, which would result, from their escape. They, however, resolved to bring the subject before the State Legislature, and to employ their influence in getting a provision made for this class of persons. The following account from the Press, of Dec. 17th, exhibits the proceedings of the Board in reference to this matter.

Meeting of the Board of Guardians of the Poor. This Board held their regular stated meeting yesterday afternoon, at their office in North Seventh Street, Mr. Maris in the chair.

The Committee of Insane reported a communication from Dr. Butler, who has examined the criminal maniacs returned from State Lunatic Asylum in Harrisburg, now in Moyamensing Prison, with a view to their transfer to the Almshouse, as recommended by the Prison Agent. Dr. Butler thinks they should at once be removed, and that the State should make provision for such persons, as done in New York.

The list of criminals, now lunatics in Moyamensing Prison, is as follows:

| NAME. | NATIVITY. | CRIME. | LENGTH OF TIME AT HARRISBURG |
|----------------|-----------|-------------------|------------------------------|
| Lewis Durow, | France, | Murder, | More than 6 years, |
| Geo. Aublin, | Germany, | " | Nearly 7 years, |
| John Logan, | Ireland, | Arson, | Nearly 7 years, |
| Jno. Jennings, | America, | Unknown, | More than 6 years, |
| Ephraim Geer, | Delaware, | Attempt to kill, | More than 7 years, |
| Jane Glazier, | Ireland, | Malicious misc'f, | More than 8 years, |

Besides there are 8 insane vagrants, of whom two are in a state of nudity, and are believed to be hopelessly insane. Their condition is most deplorable.

Mr. Erety said the list of insane in the Almshouse was already very large. It comprised 191 males and 337 females, making a total of 528, which, added to forty-three assistants employed, gives 571 as the number of inmates. Mr. Erety finally offered a resolution that a committee of five be appointed to represent to the Legislature, at its next session, the necessity of enlarging the accommodations for the insane in the Insane Asylum at Harrisburg, and to take such measures as will, in their judgment, tend to the better care of the insane poor within the city and county of Philadelphia.

The committee was appointed as follows:

Messrs. Maris, Dickinson, Erety, Whiteall, Server, and Keen.

At a Meeting of the above Committee of the Guardians of the Poor held January 3d, 1862, as published in the Philadelphia Inquirer, the following proceedings took place in reference to the poor Insane, in accordance with the suggestion originally made by the Agent, in his communication to their Board.

"Meeting of a Committee of the Guardians of the Poor.—At the last meeting of the Board of Guardians of the Poor, there was adopted the report of a Committee appointed to take measures for the codification of the poor laws relating to the City of Philadelphia. A special meeting of the Committee was held last evening, for the purpose of instituting active measures for presenting the form of an act to the Legislature.

The proposed law received some amendments and will shortly be printed.

Some of the poor laws in reference to Philadelphia date back as far as the year 1705, and are inapplicable to the present condition of the city.

An important matter, which will soon claim the attention of the Board, is a projected repeal of an act passed by the Legislature last winter, conferring on the superintendent of the State Lunatic Hospital at Harrisburg, the right to send back to their respective counties those patients who have been deemed incurable. Many years ago, Miss Dix, visited the various institutions for the insane, in this State, directing her attention particularly to the insane criminals, who had no adequate means of restoration, and were kept in a horrible condition. The result of her representations to the authorities was the erection of the State Lunatic Hospital, whither the mentally diseased from all parts of the State were sent, and which has been attended with happy results.

It is alleged that the act passed last winter has, in a great measure, prevented those results for which the Institution was formed. Desperate cases of insanity are remanded to their original localities, and are thus placed under the same untoward circumstances as existed before the founding of the Institution. By this arrangement the City of Philadelphia is particularly unfortunate. The criminals from all the eastern portion of the State are sent to our Philadelphia County Prison, and those who become incurably insane there, are debarred from admittance to the Asylum at Harrisburg. Consequently, when their term of imprisonment expires, they are unprovided for, except in the Prison; and thus persons are supported at the expense of the County, who should be maintained by the State."

The appearance of Small Pox in our County Prison during the last year, became to the Agent a matter of peculiar solicitude from its endangering alike the health and the lives of the prisoners, and induced him to act promptly in having them removed therefrom. Immediately on the appearance of the cases, application was made to the Court to reconsider the sentences of the prisoners attacked, and they were liberated and sent forthwith to the Small Pox Hospital. This, however, was accomplished only with great difficulty, as the Guardians of the Poor and the Board of Health refused to receive any cases from the prison into their Hospital. Thereupon the Agent made immediate application to the Court, giving information of the existing state of things, which imperilled the lives not only of the prisoners, but also of the community by the probable spread of the disease.

Upon this Judge Ludlow, greatly to his credit, adopted the prompt, energetic and decisive measure of summoning at once the Heads of Departments, consisting of the Presidents of the Boards of Guardians, of Health, and of Prison Inspectors, with the City Solicitor and District Attorney, all of whom obeyed the call, and assembled in the Court of Quarter Sessions in less than an hour after the Agent had given information of the difficulty in disposing of the cases. Upon which Judge Ludlow temporarily suspended the business of the Court, and a conference took place, which resulted in the Board of Health giving authority to your Agent to send the cases to the City Small Pox Hospital; which was accordingly done as the cases appeared. According to this arrangement it was agreed by these officers, that the Guardians of the Poor should pay the Board of Health for taking care of these cases, until Councils, by an appropriation, authorised the continuance of the City Small Pox Hospital, which had previously been ordered to be closed.

The arrangement of the Agent not only gave satisfaction to the Inspectors and Officers of the prison and the prisoners themselves, but was deemed worthy of special notice by the Prison physician in his Report to the Inspectors.

These efforts resulted in the eventual disappearance of Small Pox from the prison, no cases having occurred there for months. The Institution is now free from contagion and in a healthy condition. These cases were 11 in number.

Within the year the Agent has received from Gov. Curtin, as he had from all previous Governors of Pennsylvania since the commencement of the Agency a Commission, of which the following is an extract.

"To the Agents of the Prisons, and to the Sheriffs of Counties and Keepers of Penitentiaries in the Commonwealth of Pennsylvania."

"The bearer William J. Mullen, of the City of Philadelphia, is the appointed Agent of the Public Board of Inspectors of the Philadelphia County Prison and of the well known Benevolent Society for the amelioration of the miseries of Public Prisons, chartered by the Legislature of Pennsylvania."

"You are requested to show him the prisoners under your charge and to afford him facilities in obtaining such information, as will be useful in the prosecution of his benevolent purposes."

Out of the visits made, under this commission, to various prisons the Agent will here speak of but two.

The first is that of Mauch Chunk, which appeared to be wholly unfit for the purpose it was intended for, being insecure, badly ventilated, unclean and unhealthy. A site has been named for a new prison; and if the influence of the Society were brought to bear on the authorities having charge of the matter, good results would be likely to follow.

The other prison (if it may be called by this name) was that in Allentown, which [like the former] was altogether unsuited to its destined object from being unsafe, as several prisoners had recently escaped. This, as well as the other was managed on the Congregate System; the inmates being huddled together in close, ill-ventilated rooms, and uncomfortably provided for. In the cellar of this Jail is a dark, damp dungeon, with no aperture

whatever for the admission of light and air. Refractory prisoners are here confined, with ball and chain attached to their persons, and fed on bread and water, lying on the ground-floor, with no other bed, than that of Straw. When the Agent visited this dungeon, he found the walls covered with damp slime, over which the Snails were seen crawling. The reason assigned by the Jailor for using the ball and chain was, that it was necessary in consequence of the insecurity of the prison.

This establishment was in charge of the Sheriff, who resided upon the premises and had the reputation of being a kind and humane man, who did for the prisoners the best he could under the circumstances.

If the Society would interpose their influence with the Authorities of Allentown, it might be beneficial, as the town has a large, wealthy and intelligent population.

Within the past year some 300 letters have been written, in behalf of the prisoners, to parties concerned. In discharged convicts, a class beyond most others needing sympathy and help, the Agent has, as heretofore, speedily interested himself; in numerous instances supplying them with articles of clothing and other needful items, and often providing for them temporary homes, or obtaining permanent, self-supporting employment. He has also secured railroad tickets for numbers, who wished to go to distant friends.

During the present year the circumstances of the times have afforded the Agent an opportunity to induce a large number of discharged prisoners to enter the Army and Navy, as volunteers. These, with the others liberated, have had the effect to reduce the Criminal Calendar, for the last two terms, to less than one half the number of cases it had contained for several years previous. The fact of this reduction of the Calendar induced Judge Thompson, at the commencement of the October Term, to compliment your Agent for his activity by the remark, that "his exertions had tended to the relief not only of the prisoners, but of the Court and Jury, who (he was sure) did not wish, in these days of excitement, to be detained in Court in trying petty cases, at an expense to the County. To give some idea of this cost, we give the following statements of the expenditures of the Court of Quarter Sessions, for the year 1861.

The Bills amount to \$45,059.16. The expenses were as follows: Paid Fees to the District Attorney, \$10,700. Paid to the Clerk of Quarter Sessions, \$6,500. Paid to the Sheriff, \$4,600. Paid to Tipstaves and others, \$9,515.20. Paid to the Petit Jurors, \$8,500. Paid to Grand Jurors, \$8,728.97. Paid to Interpreter, \$356. Books and Stationery \$177.85. Meals for Jurors, \$306.50. Witnesses' Fees, \$500. Carriage hire for Grand Jury, \$175.14.

Of the Prison Inspectors, during the last as in previous years, it may emphatically be said, that their method of management, kind and humane while strict and economical, cannot be other than satisfactory both to the prisoners and the public.

The Superintendent and other officers of the Prison have continued to maintain such a discipline therein, as secures general approval. Its inmates being cleanly and enjoying a pure atmosphere, are, with the additional aid of the skillful prison physician, for the most part healthy.

There having been but 22 deaths within the year, while there were 54 the previous year.

One of the causes, which has produced this healthful condition of the prisoners, is undoubtedly the disuse among them of tobacco, opium and alcoholic stimulants. The Physician says that "after having watched its effects carefully, he is strengthened in the opinion—stated in his last Annual Report—that tobacco is simply a luxury, and its use a bad habit."

The female department, in which, during the year, were over 3,000 commitments, as above stated, is remarkable for its neatness, thorough ventilation, and the order, quiet and industry of its inmates.

Numbers of these women, on their liberation, were conveyed by the Agent to the Howard Home, that admirable Institution managed by female Friends, where they are required

to stay long enough to learn various branches of needlework and housework, whereby, on leaving, they may gain for themselves an honest support.

Besides these, many were taken to other Reformatory Institutions of the City.

The Agent has continued to provide a regular supply of competent clergymen to dispense moral instruction on the Sabbath, and their ministrations with the lessons given by your Committee, in their frequent visits to the prisoners, can scarce fail of being beneficial.

The undersigned feels happy, that he is permitted to add another to the prior testimonials of approval, given to him by the Inspectors, in the following terms, from their Annual Report for 1861.

“The services of the Agent, Mr. Wm. J. Mullen, have proved no less efficient and acceptable than heretofore. He has accomplished a great amount of good, and enjoys the full confidence of the Board.”

This approbation of the Inspectors, confirmed, as it has been, by the City Councils and the countenance and support of the Court, with the addition of the good will exhibited towards him by his fellow citizens at large, awaken in the Agent a profound gratitude and strengthen his assurance, that a Supernal Power supervises and directs all human efforts for the benefit of suffering humanity, together with both the wish and the hope, that his labors may become more and more useful in the responsible position, which he is permitted to occupy.

All of which is respectfully submitted for approval, with a Schedule of the Cases.

WM. J. MULLEN.

Prison Agent.

1. One of these cases is that of a young soldier committed [May 15th,] on the charge of homicide. The Agent went to Washington, visited the camps, and saw that witnesses therefrom were brought here. These were brought here under the charge of an officer, specially detailed by the Court for the purpose, to prove an alibi in his behalf. It was not, however, found necessary to present this evidence, as another witness was found who testified to seeing the murder committed by a different person. The prisoner, in consequence, was at once acquitted.

2. Another case was that of a United States Marine, the victim of a conspiracy, whose object was to have him arrested and imprisoned as a deserter, in order to recover \$30, which are usually allowed in such cases by Government. The chief actors here—as it appeared—were a sergeant and two tavern-keepers, who sued him before two different Aldermen for an indebtedness, amounting to \$17. for board and for money obtained—as they say—under false pretence, which consisted in his promising to pay after receiving his wages from Government. At the settlement the Sergeant claimed \$135. out of \$140.80; exacting one-fourth of the sum loaned for its use, and leaving but \$5.80 for the prisoner to cancel the \$17. debt. This \$135. was paid to the Sergeant for the use of \$101.25 advanced to the prisoner within 19 days subsequent to his being paid—all of which he had spent. A ten days furlough was granted to him, and then he was imprisoned, as above mentioned.

In investigating the case the Agent learned from the prosecutors, that they intended to get paid by keeping him in prison till after his furlough expired, and then getting the Major to arrest him, as a deserter, with a promise that he would see them paid out of money, which the prisoner would eventually have to pay, after being put in irons and confined, for three months, in the Barracks—which is said to be the customary punishment in such cases.

These facts were ascertained only on the evening preceeding the expiring of the furlough, when the Agent applied to Judge Thompson, at his residence, for a Writ of Habeas Corpus, which was granted by him and prepared by the Clerk of the Court at a late hour of the night after being roused from his bed for the purpose. By this arrangement the Writ

was lodged in the prison in season to prevent the prisoner's being removed in the morning.

He was thus detained till after a hearing in Court, when he was shown to have been illegally imprisoned, and was honorably discharged; thereby being saved from disgrace and much unmerited punishment, which he must else have suffered. The Agent addressed a letter to the Commandant of the Navy Yard to which he belonged, detailing all the particulars of the case; which resulted in his being restored to his former position, immediately on his discharge from Court.

The above is said to be but a sample of what is constantly occurring among Government Officers, in their dealings with soldiers and sailors, for the purpose of extorting money from them. The per centage of one fourth for the use of money seems to be a standard rule among them; a practice, that *should* be broken up by Government, which is bound to protect its defenders.

3. Another case was that of a United States Army Captain, who was imprisoned on the charge of *enticing* soldiers out of a Regiment in one State into a Regiment of another State. It appears that, from patriotic motives, he had resigned the command of his company in Virginia and went to New York to raise a Regiment of which he was to be Major. While he was in Philadelphia the Orderly Sergeant of his former Company sent him a letter, inquiring how he progressed in forming his new Regiment, and also informing him that, after pay-day many of his old command would quit their Company.

This portion of the letter came to the knowledge of one of our City Aldermen, who construed it, as enticing soldiers from one Company into another, and thereupon unjustly committed the Captain to prison.

On the Agent stating the truth of the case to the Alderman, and asking the prisoner's immediate release, as his services were needed in our Country's defence; the Magistrate refused to discharge him, unless he or his friends would pay the costs, and thus submit to the illegal extortion of money, as also to the imputation of having violated the laws. Whereupon the Agent, after consulting the U. S. Court Officers, applied to the Court of Quarter Sessions for a Writ of Habeas Corpus, had the case examined, and the prisoner was discharged by the authority of Judge Thompson.

4. Another extraordinary case was that of a woman charged with kidnapping and robbery. The alleged kidnapping—as was proved in Court—consisted in her taking possession of her own son, of 16 years old, a runaway, found by her in Schuylkill County, and the robbery in the taking of his clothes, which she had a right to take; as was shown by her acquittal in Court, at her hearing upon a Writ of Habeas Corpus, procured by the Agent; when the fact of his being her son was established, not only by herself, his mother, but by his brother, of 19 years old, and by a respectable citizen and others, who had known him from infancy.

On the other hand the runaway boy testified before the Court, that he was not the prisoner's son, but the son of another woman, whom he produced in Court, and who testified, on oath, that *she* was his mother. He also brought forward an individual, who declared on oath, that he was his uncle and the boy his brother's son; that the last named woman was his mother, and that he was not the prisoner's son; and that he had seen the lad almost daily for the last 9 years.

The testimony seemed to indicate, that they had tampered with the boy, and had conspired with him against his true mother, in order to get his earnings, as he had been employed on the Canal. The alleged mother and her associates seemed like intemperate persons, who could not have been fully aware of what they were doing in thus testifying on oath and keeping a runaway son from his mother.

When the Judge asked the boy what the prisoner said to him, on taking possession of him, he replied that she told him she wanted to take him and have him educated to be a doctor. As no improper motive was shown on the part of the prisoner, and as it was established beyond question that she was his mother, she was discharged by the Court, with

the two interesting little children she had with her in prison, and allowed to return home to take charge of the rest of her family.

5. Another case, presenting perhaps still more striking features, was that of a woman committed, on a bail-piece issued by one of our City Aldermen, Nov. 20th, and discharged Nov. 21st, by bail being entered for her appearance at Court. The original charge against her was for assault and battery, on a neighbor woman.

According to the prisoner's account, she got into difficulty with this neighbor about some children belong to another party. They struck each other, and then the prisoner was sued by the other woman before an Alderman, who granted a warrant gratis, as at the time she had no money. The prisoner was required to give bail, or go to prison. She then arranged with the Alderman's Constable (at his suggestion) to pay him \$2. for being her bail, on her receiving money, which she expected daily from her husband and son, who were in the U. S. Army. She also agreed to pay the Alderman \$1.80. On her receiving soon after, a remittance from her son, she promptly paid the amount agreed upon.

She was then told, by the Alderman and Constable, that she must now enter freehold bail for her appearance at Court. She replied, that she thought that unnecessary, as she and her prosecutrix had settled their quarrel, and were now as friendly and intimate as sisters, visiting each other in their respective premises almost every hour in the day. But, notwithstanding all this, and although, being a simple case of Assault and Battery, it was fully within the Magistrate's power to settle it, he would not do it, but insisted on having Freehold Security.

She then consulted a distinguished lawyer on the case, who addressed a note to the Alderman, requesting him to dismiss it. He would not comply with the request, but persisted in exacting Freehold Bail.

The Alderman's Constable then proposed getting his brother in law for her bail, on condition that she would pay him \$5. for the service. Becoming frightened, as she had three small children, with no one but herself to care for them, her husband and son being in the army, she assented to his terms and paid him the money,—which (be it noted) was in addition to the \$3.80 previously paid to the Alderman and Constable.

She was then allowed to depart for a few days; at the end of which the Constable visited her, early one morning, and told her the bail was about to give her up, unless she would pay some more money. She gave him all she had, a half-dollar, which she at the time actually needed to get food for her children. He took it, but said it was not enough, and he must therefore, have her husband's coat, which was hanging within view. She gave him this, and he then further insisted on having some breakfast, which she also gave him.

He left, but not long after, returned and declared she must go to prison, as her bail would incur no further risk, unless he received more money. She replied, that she had no more money to give; but, instead of this, she gave him her husband's pantaloons and drawers, which he took; and thereupon insisted on having her husband's razor and shaving apparatus, which she gave him. He concluded his call by demanding his dinner, which she also gave him, and he went away.

A few days subsequently, his brother in law, (the bail) called, and told her he was going to surrender her to be sent to prison, unless she either gave him more money, or complied with certain infamous proposals of his. The latter she promptly refused, with the remark that she would not dishonor her husband and son, who were then enrolled for the defence of their Country.

He then left, and went to the Alderman and had her sent to prison; cruelly separating her from her sucking infant, who was left at home with her other two young children, and no one else.

The Agent on learning these atrocious facts, at once saw that the prisoner was released on bail, and permitted to return home to her family.

6. Another case was that of a woman, the mother of a large family of little children, who was committed by one of our Aldermen on the vague charge of Misdemeanor. Her husband is a soldier in the U. S. Army. It seems that her landlord wished to remove her from the house she tenanted, in a summary manner; and he appears to have formed a conspiracy with the prosecutor for this object. She refused to leave till she got a remittance from her husband. A quarrel ensued and the prosecutor struck and beat her most shamefully. A proof of this was that her person, when she entered the prison, was black and blue with bruises. After the prosecutor had done this, he went to the Alderman and sued her on the charge above named. This he did to secure himself from being prosecuted by her for Assault and Battery.

The Agent saw, that she had Bail for her appearance in Court, and procured for her competent Counsel, who succeeded in convincing the jury of the guilt of the prosecutor; although he and the landlord both testified before them strongly against her, with the hope of saving the former.

Her prompt acquittal showed, that the jury did not credit one word they said. But for the interest taken by the Agent in bringing out the real facts of her case, this poor woman must inevitably have been convicted.

The Correspondent of the Philadelphia Inquirer, describes the Washington Jail in a truthful manner, as seen by the Agent when he visited Washington.

From the Philadelphia Inquirer of Dec. 9th, 1861.

Interesting from Washington—Special Despatches to the Inquirer—Washington, Dec. 8th—Truth Stranger than Fiction—The Black Hole of Calcutta Outdone under the Shadow of the Capitol—Workings of the "Institution"—Work of the "Magistrates"—County Offices and Municipal Police, who are Fattening upon the Life-blood of Innocent Men and Women—United States Treasury supporting the Slaves of Rebels—Incarceration of Witnesses—Horrors of the Washington Jail—Volunteers Imprisoned—Innocent Negroes Slave and Free—Terrible Sufferings—Immediate Relief Necessitated.

"In the Inquirer of 5th inst. was a short account of several free and runaway negroes, imprisoned in the damp and foul jail of Washington City, without crime, and simply for being without passes to prove their freedom. Mention was also made of several who had been placed there by Rebels, to be kept till the war was over. We now add a more full description of the jail and its inmates.

The jail is a miserable structure, devoid of exterior embellishment or architectural taste, and designed apparently with a view to dampness and bad ventilation. It was originally built to contain fifty, but now has two hundred and fifty, and there have been at times over three hundred confined there, not one of whom but was said by the physicians to have had some contagious disease; and during the last summer, when the weather was warm, most of them had the measles, and a number still have typhoid fever.

The most telling fact is that the Doctor, a very humane man, is compelled to *drug them* inside and out, to keep down *disease* and *vermin*; and even then he does not succeed entirely. Our visit was made on Saturday morning, December 7th, in company with Senator Wilson, Mr. Mitchell, of the *New York Times*, Mr. Lumley, artist of *Frank Leslie's*, and one of our colleagues. We give the truth in its mildest form. The *facts* should be seen to be realized. If here in Washington we find such a jail, what must it be farther South.

An evening paper here, owned by a slaveholder, who is *growing rich upon Government patronage*, and whose columns are filled with *advertisements of runaway slaves*, is seeking to defend the slave-catchers, cover up the enormity of this festering sore, and secure the detention of these panting fugitives who have fled from Rebel masters. But read our account, which is *true to the letter*:

On the ground floor, at the left of the entrance lobby, is a stone room twenty feet square, where Daniel H. Sickles awaited his trial for shooting Key. In the fourth story is another stone room of the same size, where Thaddeus Hyatt was confined for refusing to appear in the John Brown case, on a summons from the Senate. On each story is a corridor twenty feet wide by forty long, with two narrow cells at each end. Opening on this corridor are two stone cells, each twenty feet square. In other portions of the building are narrow passages, five feet wide by twenty-five feet long, upon which open three cells.

In each of these only ten feet long by eight wide, ten prisoners sleep, and during the

day the whole thirty have merely the liberty of moving through the twenty-five feet of crowded and fetid passage way, without books, papers, work, or any mental distraction beyond the idle words of their companions. On the arrival of a visitor, they rush to their iron door, too rejoiced at any novelty to experience shame at being scanned. Many there are doubtless bad characters, but many again bear the impress of good instincts in their faces, among whom are a number of young soldiers incarcerated for fights or petty misdemeanors, while under the influence of liquor.

Others are imprisoned merely as *witnesses*, it being a law in this brilliant community to confine any unlucky spectator of a crime until the day of trial, unless he can give cash security to appear. These are thrown in with the rest, their innocence giving them no immunity of any description. Twice a day the inmates, with exception of the sick, are taken down in gangs into the prison yard, where they partially wash themselves at a pump, and these short moments are all that are allowed in summer or winter, of fresh air or the light of heaven. In this public space, ablutions of the entire person are rarely indulged in, and the washing of clothes being seldom performed, they drop away in rags, and are filled with fleas and vermin of a most detestable character. Instead of a private bath-room and plenty of soap, the jail remedy for these latter is red precipitate and mercurial salve, well rubbed on the hair and skin.

In each corridor are several large tubs, filled with the necessities of the prisoners, which are removed but once a day, the terrible foulness of which is alleviated by infusions of chloride of lime. Dr. Duhamel, the physician of the jail, remarks that it is with the utmost difficulty he can keep down typhus through the building by constant fumigations, whitewashing, and a distribution of chloride of lime upon the floors. As it is, there are several violent cases of that disease, and innumerable colds from the damp chill of the place and insufficient clothing furnished.

Up the cold and clammy staircase, to the third story, are found the usual corridors, and two stone cells, twenty feet square, each containing twenty free and escaped negroes of various shades, only two of which number can read, but all of whom are sensible, intelligent and honest looking.

The following are relations of several among these victims of injustice:

Charles Farmer, quite black, aged nineteen—belonging to, and was brought up by Luke Gardner, a farmer, near Newtown, Charles County, Md. Received, through his life, much ill treatment from his master, and bears upon his body scars of the whip.

During an absence of Gardner, his son, a youth of sixteen, incessantly got drunk, and amused himself with flogging Charles, who threatened on one occasion to strike him back. The hopeful youth spoke of shooting him, but refrained, and on arrival of his father, informed him of Charles' threat. Charles fearing a cruel punishment, escaped, and begged his food along the road to Washington. On arriving here, five months ago, he was stopped before crossing the Anacostia bridge, by a chance passer-by, who, on the honest confession of the lad that he had run away, arrested him with a view of receiving a reward from his master, according to law, when reclaimed. Has a strong constitution, and bears tolerably the unhealthiness of the jail, but is much annoyed by vermin. Is barefooted, his pantaloons tattered, and has but a remnant of shirt left.

Joseph Spears, twenty-seven years old, belongs to Lafayette Sumner, now a Captain in the Rebel army. He went to Manassas and left Joseph on his farm, in Fairfax County, to work. Five months ago our pickets took him off the farm and brought him in. He then worked for Mr. Croff, a baker, at \$12 a month. He was employed only a week, when the police seized and threw him into prison, for want of a "master." He is very intelligent, although very black, and has been most faithful in assisting the Doctor night and day, watching by the side of sick beds with much devotion. He has earned the name of Doctor from his fellow prisoners, and is learning to read rapidly, being quick of perception. He is a very fine specimen of a genuine African. His clothes are thin and have been worn for five months.

Benjamin Mattiner, quite black, aged 21. Belonged to Richard Kew Bolden, of Prince George county, Maryland, and was born in his service. Worked on the farm, and had been constantly beaten through life. Carries whip marks upon his back and legs. Was once struck so violently on the head with a thick stick, by his master, as to lay the flesh widely open and cause blood to flow over him. The hair has not grown upon the spot, and the skin is bare. Ran away to Sickles' Brigade, and was taken back by a Lieutenant and a squad of men. While the Lieutenant talked in the house with Bolden, Benjamin slipped out of the back door and again ran. Losing faith in military generosity, he proceeded straight to Washington, and was arrested on the threshold, with a view to the reward, by a market gardener, named Buck Solin; has lain in jail since September last; cannot read or write; is very intelligent; has nothing on but a ragged shirt and pantaloons; is also full of vermin: is now troubled with a swelled face and violent toothache; has applied repeatedly to the jailor to have the tooth taken out, but receives no notice.

James Johnson, a light mulatto, aged 15, born free, and hired himself at \$8. a month to James Wall, a farmer, near Johnston, Mifflin county, Pennsylvania, by whom he was well treated; came with Fifth Pennsylvania Regiment as assistant cook, and was encamped at Tenallytown; was sent one day last summer to Washington for peaches, and was arrested by a policeman, who would not believe his story, but took him before a squire, near the Court House, who promised to send him home, and, in the meantime, sent him to jail, and has totally neglected him ever since; has a bad cold and pain in the chest; receives occasionally physic from the doctor; but is barefooted on stone floors, and has no other covering at night than a thin blanket; has asked often for warm clothing, and been told, at times, to go to the —; has vermin.

Charles Jackson, aged 50, a respectable mulatto. Looks like a preacher. Belonged to William Dolan, three miles above Falls Church, Fairfax county, Virginia. Was born in service of the family. His father and mother were both sold to traders when he was but five years old. Has faithfully worked through life on his owner's farm, from sunrise until sunset. Never once received a cent from him. Earned a little money by cutting and splitting wood for neighbors after nightfall, receiving eighty-seven cents a cord; also by making mats at twenty cents and brooms at ten cents each. Could never find time to make more, through a whole winter, than \$15.

He had been always honest and steady; had a master who seemed never pleased with his efforts; was badly whipped by cowhides by him, when a boy, and bears the marks to this day; since growing up, and even within five years, has been often knocked on the head with sticks. His master pretended to be a Union man, but secretly aided the Rebels, and has been arrested by General Porter as a spy. His wife and six children belonged to a man named Dulaney, two miles off, now a Rebel cavalry officer. During one night, early in the rebellion, his wife suddenly came to him, saying that the children were being carried away. He hurried to the spot with her, and found them in a wagon. His wife was then instantly also placed in the wagon, which carried them to Fairfax Court House. When the Northern army approached they were still further removed. Has not seen them since. He was protected at this place by the Northern troops, and received one day a pass from the Colonel to come to Washington and work for himself. Found it a spider's web, for candidly telling a policeman who stopped him, that he was a fugitive, was arrested *five months ago*, and at once committed to prison by a Squire, the policeman receiving a reward for his act. Like his fellow prisoners, he slept through the summer to the middle of October without covering, and caught a violent cold and sore chest, accompanied by fever and racking headache, from which he intensely suffers.

In his cell at night, twenty feet square, with twenty men and a hot stove, his tongue is parched, his head aches, and his sufferings are unspeakable. As early morning creeps on the fire dies, and the chilly air painfully reacts upon him. Fortunately he has shoes, also a shirt, pantaloons and coat, all having been worn five months. Cannot read, but is intelligent and speaks grammatically. Received hope from his visitor that he would soon be released, and said fervently, "Thank God! Thank God!"

James Henry Wilson, black, aged 18. Lived seven miles from Baltimore, on a farm of William Randall. Was born free, and lost his parents in infancy. Was bound by Squire Rittenhouse to a colored man, named Basil Garrett, who treated him well, but whose wife was very cruel. Was bound by Garrett at ten dollars a month to Randall, who often beat him. Garrett received his wages and gave him nothing. Left Randall and joined the Pennsylvania Black Horse Cavalry, as assistant cook. Came to Washington with the regiment, and was arrested in the street by James Sutton, a policeman, who took him before Squire Dunn. Wilson told him he was free, and the Squire said that probably he was, but he had better go to jail till something could be seen about him. Has been there three months, and nothing *has* been seen.

Has never received a blanket, though he has often made application. A colored woman gave him a piece of her shawl, which is all he has at night. Has a ragged shirt and pantaloons, also vermin.

Abraham Gibbs, black, aged twenty; was born free; worked with Jackson Cross, Seneca, Montgomery county, Maryland: was arrested one day last summer in Washington, by a policeman, while on a visit; has been in jail five months; has vermin, no shirt, shoes or stockings.

Alfred Montgomery, from near Falls Church, Virginia, came to Washington with the First Ohio Regiment, and was arrested by officer King, who, he says, took a dollar and a half, which he received from the soldiers, and has never returned it. This was while the regiment was going through Washington on its way home after the Bull Run fight. We questioned him closely, and found he was in the regiment some six weeks, and marched with them to Bull Run. His knowledge of the country, and position of our troops on the 21st, is ample evidence of the truthfulness of his story. He carried water to the soldiers

during the day from Bull Run, and when they retreated, he adhered to them till separated at the railroad.

He never got any money but the dollar and a half the officer is said to have taken, and has had on the same clothes for six months, which now fail to cover his nakedness. He begged of us to take him out and let him work for us, as he would die if left there; and as we left he crouched up in a corner, crying. He is but eleven years old, and his parents are sold to the south. Nothing but an *act of Congress will release him*, though guilty of no crime but working gratuitously for our soldiers.

James Jackson, a remarkably intelligent black man, aged 34. Was manumitted at 28 by will of his late owner: Since then has worked for Daniel Minor, near Anandale, Fairfax County, Virginia. While working in the Camp of Col. Henry B. Taylor's Third New Jersey Regiment, at Cloud's Mill, last August, received a pass from the Colonel to visit Washington; was arrested by Charles Kemble, a policeman, and taken before Squire Dunn; told him he was free and had a pass from the Colonel, but the Squire said that was not sufficient, and that the Colonel had no right to give him a pass, and without further words, he was taken to jail. Is known to Mr. West, now or formerly a clerk in one of the Departments, and to Mr. Philip Minor, once in the Marshal's office, and now some where in Washington. Asks either of these gentlemen if they will be kind enough to identify and release him. His wife and four children live near Anandale, but do not know of his whereabouts. He has had letters written to them, but has received no replies.

The women are kept in precisely similar cells on the second story, but being fewer in number, their situation is more tolerable. Among them is Harriet Wilson a neat and respectable colored woman, aged forty-five. Was brought to Washington, as nurse, by the late Senator Morton, of Florida, now in the Rebel army, about ten years ago, and coolly placed in jail three months since, by his wife, till the rebellion should be over, intending then to reclaim her. The reason of this was that Harriet refused to accompany her to the South.

On asking why she would not go, she said she never wanted to go down there any more. "Would you rather stay here?" said we. "Yes, master; sooner die here, and it won't be long!" She is as neat and tidy as any old Dinah we have ever seen—laboring under the same disadvantages—and is now dying in jail in her old age, as a recompense for the weary nights she has watched by her master and his children.

Caroline West, colored, aged 25, belonging to John H. Low, a farmer of Charles county Maryland. He beat her violently one day, and she left him. On arriving in Washington a policeman arrested her.

A number of free and slave colored women are here to be found, incarcerated for months on trifling charges of theft, on mere suspicion, who have had no trial. Their cases should be investigated. One grinning girl was asked why she was in prison. "I dunno; murder or sum'thm. Them two other gals is in, too." The doctor said that a negro woman had been murdered somewhere, and three girls had been imprisoned on suspicion, without a shadow of proof.

A poor, skeleton creature was dying from a cancer on the thigh. It had been canterized repeatedly, and her sufferings were constant and extreme; yet no additional comforts were provided her. She had the same thin mattress on the stone floor, the same thin blanket, and the same poor food as the rest. And this applied to all except two poor fugitives, who entered the prison strong and well, but were now confined together in a small cell without fire—one with typhus, and the other totally helpless with pneumonia. In addition to their one blanket and hard mattress, they were each allowed a cot.

On leaving the colored women, we remarked that we would endeavor to procure them a trial. "God Almighty thank you, sir! Thank God! thank God!" was the reply. "Good bye, sir! God bless you, sir!"

Among the white female prisoners were two who had been merely witnesses of an assault. One has a young child in Philadelphia, and is most anxious to return home. But the days drag heavily on, and the trial comes not. No papers, no pictures, no books, no sewing! Alas!

The specific object has here been more to enlarge on the sufferings of blacks, because, in nearly all cases, they have been innocent victims of oppression; but deep sympathy is by no means to be spared for the white prisoners, who are treated in every respect in the same manner, whose sufferings from the fetid and burning atmosphere at night are intolerable, and who are equally troubled by the early morning chills, untimpered by extinct stoves. With them we had little time for conversation, but found the majority merely awaiting trial. The Court sits four times a year, and is now in session. Let us hope that these cases will soon be disposed of. A prison built for fifty, and containing two hundred in addition, is unbearable.

The daily fare consists of two meals. At eight o'clock, a small salt fish, a thin cake of corn bread, the size of a man's hand, often sour, and watery coffee. At three, a slice of

salt beef or bacon, four inches long by two wide, with the same bread, and water. Since the late visit of Senator Wilson, the begrimed walls have been whitewashed.

A great need in this place is work for the prisoners. By it their weariness would be alleviated, and their labor would pay the expenses of the establishment.

Congress, in 1801, adopted for the District of Columbia the old and imperfect Maryland code of laws in use last century. These, with many contradictions and a maze of absurdities, have been since in vogue. Congress, four years ago, appointed a commission to revise this code and create a new one. The cunning Southern members, seeing that the laws relating to slavery were more liberal and humane in the new revision, and fearing any encroachment upon the *status quo* of the institution, procured a vote that it should be submitted to the people of the district, and by sundry machinations had it defeated.

The following letter was thrown from a grated window of the prison to one of the Inquirer's reporting staff by a fine looking soldier, of whom the jailor speaks with great regard as an estimable and respectable man. It is an application to a Member of Congress from Ohio, to which State the prisoner belongs, to interest himself in his behalf, and was duly delivered by the recipient:—

"Please do not cast this away before you have read the contents of it!

"WASHINGTON, Dec. 5, 1861.

"Hon. Mr. Pendleton, M. C. :—

"Sir: I well know that the position which you occupy, allows you but very little leisure to waste upon such as me; yet, nevertheless, I entreat you to peruse this and then to save me, if possible. I have been in the Regular United States Service nearly ten years, during which time I have suffered hunger and thirst, heat and cold, without flinching; but the suffering which I have endured, and am still enduring, in this miserable hole, are too much for me to bear; I do not suffer much physically, but my mental sufferings are great. I am charged with a crime of which I am, in one sense, innocent, and in another guilty. I am charged with stealing a horse. I did not steal him, although I knew, or at least had good reason to suppose, that the person for whom I sold the horse, did not obtain him honestly. The man who gave me the horse to sell was confined in this prison a short time, and then discharged, because he had money enough to fee a lawyer, whilst I, who am a soldier, and had no friends at hand, have been kept here for the space of three months and more, and I dread to see the result of this affair, unless some benevolent person intercedes for me and saves me. I would prefer death a thousand times sooner than to be incarcerated one year, let alone four of five. Of my conduct in the service no one can honestly complain. I have served under General Sumner, while he commanded the First Regiment of Regular Cavalry, also under General Harney, Colonel Johnston, and others that I could name, but who are now serving in the Rebel army. By neither of the above named have I ever been reprimanded or punished.

If General Hunter was in this city, I would entertain hopes of a speedy release. I was with him in that disastrous battle of the 21st July last until he was wounded. He knows that I did my duty as became a man and a soldier on that fatal day. But I do not wish you to believe that I claim any merit on that score. No, sir; but I wish to convince you that I am not a worthless, drunken soldier. All I ask is for a chance to redeem my own and my family's character, who, although they are poor, are yet nevertheless honest.

My father is an old, grey-headed man, who, until I got into this difficulty, looked upon me with pride. The knowledge of my imprisonment has almost broken his heart. Sir, I entreat you, as a man, to save me, if possible. If you can do it, I will convince you, on the next field of battle, that your generosity was not thrown away. I will either wipe out the stain I have brought upon my name, or leave my body upon the field.

As to my conduct while in this prison, I would respectfully refer you to J. H. Wise, Esq. the jailor. Once more, before I conclude, I entreat you to intercede for me. If you will, I will ever entertain the deepest gratitude for you.

I am, sir, your humble servant.

Mr. Allen, one of the Washington Detectives, in a Report made by him to Provost Marshal Porter, makes the following remarks, in reference to the Washington Jail:—

"I find incarcerated in the city jail in this city, in the midst of filth, vermin and contagious diseases, on a cold stone floor, many without shoes, nearly all without sufficient clothing, bedding, or fire, and all in a half-starving condition, 60 colored persons, male and female, confined because—in the language of their commitments—they were suspected of being runaways, and no proofs had been adduced that they were not runaways."

In addition to the above, we give an article from a leading New York paper:—

Persecution of Negroes in the Capitol—Astounding Revelations.—Under the heading of

"Secrets of the Prison House," we last week alluded to the revelations which have recently been made in Washington, of the confinement of negroes in that city, for no other cause than their color, under the authority of municipal laws derogatory of the spirit of the age, in violation of the precepts of Christianity, and pre-eminently disgraceful to the fame of the National Capitol. The matter, as we have said, was brought before Congress by Senator Wilson, and referred to the Senate Committee on the District of Columbia, with instructions to make it a subject of inquiry, and to report what legislation is necessary to remedy the abuse. In the interval, Mr. Seward has issued an order to General M'Clellan to arrest all persons who may attempt to imprison negroes on the ground of their being fugitives.

We find a further description in a letter addressed to the Artist of Frank Leslie's Illustrated Newspaper, taken from the number of December 28, 1861, containing a sketch of the prison, and portraits of many of the prisoners:—

WASHINGTON, Dec. 9, 1861.

Mr. Arthur Lumley, Frank Leslie's Artist—

Sir—The undersigned have visited the Jail in Washington city, and have seen the large number of negroes confined in the cells. We found the inmates in the midst of vermin, closely crowded together, and some of them almost naked, having been incarcerated for over half a year, as we were informed by the keeper of the Jail, and for no crime whatever, but simply because no one has appeared to claim them as owner.

We have examined the sketches you have made of these unfortunates, and at your request, willingly testify to the fidelity of the likenesses, and the truthful portrayal of their miserable condition. The sketch of the Jail in the distance is accurate, and the surroundings of your design are drawn from life and strikingly recognizable. The physical condition of the inmates of the Jail is painful to contemplate, but the fact that they are suffering the horrors of such imprisonment for no offence against God or man, but simply because they are friendless, is a dishonor to the nation under the shadow of whose capitol the wrong has been perpetrated.

We cannot doubt that your sketches, if successfully transferred to print, will do much to abate this nuisance, and in such belief we heartily congratulate you.

Respectfully yours,

HENRY WILSON,

U. S. Senator, Mass.

A. S. MITCHELL,

Washington Correspondent of the N. Y. Times.

W. H. PAINTER,

Washington Correspondent of the Philada. Inquirer.

GEO. C. BOWER, Jr.,

Washington Correspondent of the N. Y. Tribune.

E. J. ALLEN,

Office of the Provost-Marshal.

C. C. COFFIN,

Washington Correspondent of the Boston Journal.

APPENDIX.

The Agent was recently in Washington for a purpose connected with the case of the soldier charged with Homicide, described in another part of this report; and while there, he visited the Penitentiary and the Jail of the District of Columbia, which appeared to him inadequate and unsuited to the ends of secure imprisonment. This Penitentiary was badly ventilated, and the cells were small, damp and unhealthy. In this prison were 160 male and 6 female prisoners, who were required to work on the congregate system. At night they are locked up, each in a separate cell, apparently about 6 feet long by 8½ feet wide, without a window and with no other means of ventilation, than the grating which mostly faces a dead wall. It was the wish of the Warden and Keepers, that our Society should petition Congress to build a prison adapted to the Separate System, like our Eastern Penitentiary. This might be effectually done by bringing the subject before the next Annual Meeting of the National Prison Society, and securing their co-operation in petitioning Congress to create a Model Prison in Washington, on the Separate System. It was reported, that a site for such an edifice had been talked of, or already selected, on the

bank of the Potomac. The present prison occupies the Arsenal ground, which is required for war purposes.

The practice of imprisoning witnesses also exists there. If our Society would petition Congress to abolish this system, and adopt a law similar to that existing in our State, (which your Agent was instrumental in getting enacted), and which obliterated from the Statute Book an unjust, inhuman practice, that for ages had caused so much undeserved suffering and had often defeated the ends of justice intended by it, it would afford incalculable relief to these innocent prisoners.

The law, above referred to, was passed in 1856, and a copy of it is here subjoined.

“An Act to prevent the imprisonment of witnesses in certain cases.

“Whereas, under the existing laws, a practice has been adopted by judicial magistrates, of committing witnesses in criminal cases, where they are willing but unable to procure bail for their attendance to testify.

And whereas, it is cruel and unjust, and contrary to the sound policy of criminal laws, that persons who have committed no offence, but who are simply called upon to establish the offence of others, should be consigned to imprisonment and exposed to disgrace.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by authority of the same: That from and after the passage of this Act, no witness in any case, who enters his or her recognizance in such sum as the magistrate may demand, to appear and testify in such prosecutions as require his or her testimony, shall be committed to prison by the judge, magistrate or alderman, before whom any criminal charge may be preferred. Provided however, That in all cases—triable in Oyer and Terminer—where a positive oath is made, and reduced to writing, and signed by the deponent, setting forth sufficient reasons or facts to induce the firm belief on the part of the judge, magistrate, or alderman, that any witness will abscond, elope, or refuse to appear upon the trial, that then and in such case the judge, magistrate, or alderman may exact bail of said witness, and in default thereof, commit the said witness to testify.

RICHARDSON L. WRIGHT,

Speaker of the House of Representatives.

WILLIAM M. PRATT.

Speaker of the Senate.

Approved, April 22d, 1856.

PENN'A. SS. {



JAMES POLLOCK,

Office of the Secretary of the Commonwealth.

Harrisburg, A. D. May 16th, 1856.

I do hereby testify, that the foregoing and annexed, is a full, true and correct copy of the original Act of the General Assembly, as the same remains on file in this office.

In testimony whereof, I have hereunto set my hand and caused the seal of the Secretary's office to be affixed, the day and year above written.

A. C. CURTIN,

Secretary of the Commonwealth.

The above law appears to have worked well, and we have yet to hear the first complaint against it. If this be so, why should not such a law be enacted by Congress, abolishing the system of imprisoning U. S. witnesses in the various prisons throughout the Union; especially in those of the District of Columbia? The necessity of this, in the latter case, will appear from the description, better since given than I could give it, of the state of things witnessed by your Agent in his visit to the Washington Jail—in the above letter, by the Inquirer's Washington Correspondent—Inquirer of Dec. 8th.

This account is corroborated by the distinguished physician of the Penitentiary, who says, (in a letter to a friend)

"Dear Sir:—Allow me to say a few words concerning the U. S. Jail, a building adapted to 50 inmates, and now crowded with 230 prisoners, which has been presented by the Grand Juries of this City, year after year, as a *nuisance*. It is with the greatest difficulty and by the most rigid hygiene measures, that pestilence is kept out of its walls.

Out of 1000 prisoners a year, on the average, in this crowded and ill-adapted prison, there has been but one death by disease contracted within it, in the last two years.

The insecurity of the jail is evident to any visiter, and the wonder is, that the officers succeed in keeping the prisoners within its enclosure.

The Marshal is a humane man and does all in his power for them; and they are even now better fed and clothed, than they have been for years.

W. J. C. DUNHAMEL,

Physician U. S. Jail.

If (as the Doctor says) matters are not as bad as they *formerly* were, it may well be asked, what *must* they have been in the past?

The Agent found, that the condition of things was as here described at his previous visit to Washington. Had he given this account, it might have been questioned. This is not surprising; nor is it to be wondered at, that it should be wholly discredited by many, who, not being familiar with the state of things existing in prisons, are apt to think that the Agent is liable to exaggerate from excess of zeal in the good work. But when eminent Physicians, Senators and other men of intelligence and veracity furnish a description, such as is here presented, they must perforce be accredited. Should not our Society then bring its influence to bear on our Senators and Representatives at Washington, that they may endeavor to procure the enactment of a law, which should put an end to the horrible state of things existing in the Prisons of that City; particularly in reference to the incarceration of witnesses, who, if poor, are often made to suffer far more than the criminals, against whom they are retained to testify? More especially does it seem proper, that our Society should *now* act, when we have such a man to represent us there, as Judge Kelley, who, as one of our members, has taken so lively an interest in Prison Discipline, and who would be emphatically the man to exert himself for accomplishing this beneficent object.

W. J. M.

PHILADELPHIA, JANUARY 1, 1862.

SCHEDULE

Showing the number of cases discharged from the Philadelphia County Prison, from Jan. 1, 1861, to Jan. 1, 1862, through the interference of William J. Mullen, the Prison Agent, their further detention not being deemed necessary; as it did not appear upon investigation, that they were guilty, or if so, as was the case in some instances, the punishment they had already received, was regarded as sufficient.

| | JAN. | FEB. | MARCH | APRIL. | MAY. | JUNE. | JULY. | AUG. | SEPT. | OCT. | NOV. | DEC. | TOTAL. |
|----------------------|------|------|-------|--------|------|-------|-------|------|-------|------|------|------|--------|
| Assault and Battery | 36 | 37 | 34 | 45 | 23 | 28 | 48 | 80 | 86 | 89 | 18 | 20 | 439 |
| Misdemeanors..... | 40 | 26 | 80 | 40 | 19 | 21 | 21 | 57 | 29 | 25 | 35 | 21 | 364 |
| Abuse and Threats | 9 | 6 | 11 | 5 | 12 | 11 | 21 | 8 | 17 | 2 | 4 | | 106 |
| Larceny..... | 4 | 6 | 8 | 9 | 7 | 3 | 9 | 18 | 5 | 16 | 7 | 9 | 96 |
| Mal. Mischief..... | 6 | 18 | 8 | 11 | 12 | 8 | 4 | 8 | 1 | 5 | 5 | 3 | 79 |
| Disorderly House.. | 9 | 1 | | 8 | 7 | | 2 | 10 | 1 | 11 | | 2 | 46 |
| Desertion..... | 5 | 2 | 1 | | 4 | 2 | 1 | 1 | 1 | 1 | | | 18 |
| Witnesses..... | | | | 2 | | | | | | | | | 2 |
| Deserting Ship.... | | | | | 2 | | | | | | | | 2 |
| Access to Murder.. | | | | | 1 | | | | | | | | 1 |
| Homicide..... | | | | | | | | | 1 | | | | 1 |
| Insanity..... | | | | | | | 8 | 4 | | | | | 7 |
| Deserting Army... | | | | | | | | 2 | 2 | | | 10 | 14 |
| False Pretence.... | | | | | | | 1 | 2 | | 1 | | 1 | 5 |
| Inciting to Riot,... | | | | | | | | 2 | | | | | 2 |
| | 109 | 91 | 92 | 115 | 87 | 78 | 110 | 182 | 98 | 100 | 64 | 66 | 1182 |

NINTH ANNUAL REPORT

OF

William J. Mullen,

PRISON AGENT.

January 1, 1863.



NINTH ANNUAL REPORT
OF
WILLIAM J. MULLEN, PRISON AGENT,
TO
THE PHILADELPHIA SOCIETY
For Alleviating the Miseries of
PUBLIC PRISONS,
INSTITUTED 1787.

PHILADELPHIA, JANUARY 1, 1863.

OFFICERS OF THE SOCIETY:

PRESIDENT—JAMES J. BARCLAY.

VICE PRESIDENTS—TOWNSEND SHARPLESS, DR. WM. SHIPPEN.

TREASURER—EDWARD H. BONSALE.

SECRETARIES—JOHN J. LITTLE, EDWARD TOWNSEND.

COUNSELLORS—HENRY J. WILLIAMS, SAMUEL H. PERKINS.

MEMBERS OF THE ACTING COMMITTEE.

Charles Ellis,
Wm. T. Perot,
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John M. Wetherell,
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William L. J. Kederlen,

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PRISON AGENT—WILLIAM J. MULLEN.

PHILADELPHIA:

WILLIAM S. YOUNG, PRINTER, No. 52 NORTH SIXTH STREET.

1863.



JANUARY 1ST, 1863.

JOHN M. WETHERELL,

Chairman of the Committee on County Prison of the "Philadelphia Society for Alleviating the Miseries of Public Prisons."

RESPECTED SIR:

The Agent herewith presents, for the information of the Society, his Ninth Annual Report. You will perceive from it, that within the last year, he has been instrumental in releasing one thousand two hundred and twenty-three (1,223) persons from Prison, (twenty of them being small children,) at a cost of \$70.65, which money was mainly given by the prisoners or their friends, and paid to the Magistrates, District Attorney and other officials. The parties were all committed to be tried in Court. Most of these seemed to have been improperly and unjustly imprisoned, as it appeared in the investigation of their cases, which resulted in their immediate liberation, instead of their detention for months, awaiting trial, as might otherwise have occurred. By this means much misery and distress has been prevented and many poor families have been kept together and protected from ruin.

In doing this, however, great caution has been observed to avoid defeating the ends of justice, or in any way shielding the guilty from deserved punishment. But the contrary has been the case, as in many instances the ends of justice have been subserved by having the real criminal punished.

The liberation of the above-mentioned persons saved to the County the sum of \$10,612.17, which would have been the cost for *their food and the ignoring of their bills.*

The number of commitments to our County Prison, during the year, was 14,660, out of which there were 213 ignored and but 360 convicted and sentenced and recommitted to Prison. Of these 256 were sentenced to labor, and 104 not to labor. Of the remainder there were discharged by the Courts 307, by the Magistrates 5,707, by the Inspectors 5,320; prisoners, whose time expired within the year, 2,477. Of the above number committed, there were 8,223 white males and 4,871 white females; 898 black males and 668 black females. The whole number of commitments of both sexes shows a decrease of 1,541 from that of the previous year. There were 30 deaths in the prison within the year.

The number of cases, acted upon by the Grand Jury, within the

year, was 2,960, out of which 1,840 true bills were found, and 1,119 were ignored.

The Grand Jury in their Presentment for the April term, in referring to the *magistrates* of our city, say: "The Grand Inquest especially present the *existing system of magistracy as not efficiently securing the great ends of public justice*. Some *aldermen appear ignorant* of the proper legal term in making out commitments, and we believe their returns frequently are not in conformity with the dockets. Our prisons and courts are filled with *trivial cases*, which a proper influence by the magistrates would have obviated; but as long as the *constantly abused system of fees is maintained*, the policy and interest of the magistrate combine to *foment rather than discourage litigation*.

It is respectfully presented that the *committing magistrate*, like the judge on the bench, *should receive a stipulated salary for such service*. In many instances the county has to pay the costs to these very magistrates when the prosecutors neither desired nor intended to bring the cases to court.

Until such change is made in the system as, by adequate compensation, will attract men of competent education and character to seek the honorable position of alderman, our prisons will continue to be crowded, our courts tasked with silly disputes, the public resources wasted, and *the ignorant poor victimized by harpies*." Nearly all Grand juries allude to the magistrates in similar language. The Grand jury in their presentment for the June term, in speaking of their visit to the County Prison, say: "During a part of their visit through the prison they had the company of the Prison Agent, William J. Mullen, and were glad to find that he still continues in the discharge of his arduous duties, thereby saving great expense to the county, as well as affording protection to the rights of the poorer classes of society."

The agent feels happy that he can say, that he has succeeded at last in convincing the Guardians of the Poor, *that the inspectors have a right to send vagrants and insane persons to the almshouse from the prison*. This being a delicate question, it required care and tact on the part of the agent. He appeared at a meeting of their board and endeavored to politely inform them that he was instructed by the prison inspectors to bring the subject before the court, if they still refused to receive certain vagrants and insane persons into the almshouse from the prison. After briefly describing the sufferings and condition of these prisoners, whom it was necessary to remove, he expressed the hope that this difficulty might be adjusted without resorting to legal proceedings. The subject was then discussed by the board, which resulted in their passing a resolution at a meeting of June 2, that was as follows: "Resolved, that the instructions issued by this board to its officers, prohibiting the admission of persons sent from the County Prison, be so far rescinded as to authorize the President of this board to

order the admission to the almshouse or hospital of such persons as he may deem proper subjects from the prison, on application of the inspectors of the County Prison to that effect. *Provided*, such persons be properly chargeable to the city of Philadelphia."

By this successful effort on the part of the agent, the prison has been relieved of those objectionable cases of vagrancy and insanity.

In accordance with the above resolution *thirty-one insane persons* have been sent, within the past year, to the Insane Department of the almshouse, some of whom had been imprisoned for years. During the last year, about 250 letters have been written, in behalf of the prisoners, to parties concerned. In the case of *discharged convicts*, a class beyond all others needing sympathy and help, the agent has, as usual, specially interested himself; in numerous instances supplying them with articles of clothing and other needful items, and often providing for them temporary homes, or obtaining permanent, self-supporting employment. He has also secured railroad tickets for numbers, who wished to go to distant friends. Many of the *discharged prisoners* have been induced to enter the Army or Navy.

The management of the Prison Inspectors continues to be, in every way, satisfactory both to the prisoners and to the community. The strictest economy is observed in all the departments. Substantial, wholesome food is given to the inmates, whose health in general is good. The Superintendent and other officers of the prison still maintain a proper discipline among the prisoners, the benefit of which may be seen in the cleanliness of the institution, and in the purity of the atmosphere therein.

The Female Department is admired for its cleanliness and the industry of its inmates, who are mainly occupied in making up clothing for the prisoners. The following are the statistics from this department: Committed last year 4,916; discharged 4,753; convicted 47 white and 21 black; discharged convicts: 46 white and 25 black; sentenced 15 white and 6 black; deaths: 4 white and 2 black; mania-a-potu cases: 31; insane persons: 6; cases of Small Pox: 2.

Many of the *discharged females* were taken by the agent to the Howard Home, or to the Rosine Asylum. These excellent institutions continue to receive such persons from the prison for instruction in the useful occupation of sewing as well as housework, the object being to reform them and make them good citizens. In this the managers of the Howard Home have been particularly successful, as several of the young girls have been protected and made wiser and better, and places obtained for them in many instances;—a circumstance that is not only satisfactory to those who have been benefited, but it must be equally so to the officers of the institution.

The moral instruction given on the Sabbath under the supervision of the agent by the clergy of the different denominations, and the various lessons imparted by your Committee, in their daily visits to the prisoners, in teaching them to read and write, as well as getting them to commit passages of Scripture to memory, have been highly beneficial in their results

Our Prison Inspectors in their last annual report, in alluding to the magistrates and the agent say: "The board dwell upon the *necessity of reform in our magistracy*, for their experience with its working has impressed them strongly with the evils of the system. The pages of the *journal of our prison agent* would satisfy any, who desire enlightenment upon this subject, of the injustice, iniquity and corruption which attend the so-called administration of criminal justice among us. Indeed, the duties of this officer are chiefly designed to *abate and restrain oppressive and illegal acts of Committing Magistrates.*"

"The board have no reason to modify the opinion, so often expressed, of the usefulness accomplished by the Agent, Mr. William J. Mullen. We believe that he meets the peculiar and delicate requirements of his position with zeal, fidelity and fearlessness, and that he secures a great amount of good."

The approbation of the inspectors and the courts and the press of our city, as well as that of his fellow citizens, inspires him with thankfulness, and a full determination to trust in the Divine Guidance in his future undertakings, in this labor of love, and with a hope, that his usefulness may continue to increase and give satisfaction in the responsible position he is permitted to occupy.

All of which is respectfully submitted, with some of the *cases, illustrating the labors of the agent.*

W. J. MULLEN,
PRISON AGENT.

The first case was that of an innocent woman, who was convicted and sentenced to three months' imprisonment on the charge of "false pretence," which consisted in her going to a member of a benevolent society, of which she said her husband had been a contributing member before he left the city, and asking for money to pay the funeral expenses of her deceased child, that had been buried the day previous. A police officer, who was near at the time, arrested her and caused her to be committed, saying that she was an impostor, and that he did not believe her story about the dead child. When the case came up for trial, the agent supplied her with competent counsel, who defended her and explained the case to the jury. Notwithstanding this, she was convicted on the testimony of this officer, although she herself, in addition to what her counsel had said, addressed the court and protested against the testimony, and explained her case in a simple, earnest, unmistakable manner. *Judge Ludlow*, seeing her great distress, as was evinced

in her earnest and agitated manner while defending herself, most humanely sympathized with her, and sent an officer of the court to accompany her to her home, where the child had died, to ascertain the particulars of the case, and also to see the sexton of the ground where she said it was buried. If her story was true in reference to the death of her child, he promised to release her, although she had been convicted, and remarked at the same time that, if it was ascertained that her story was not true, he would punish her in an extra sentence for persisting in telling an untruth. The officer of the court went a short distance with her, but she was unable, according to his statement, to direct him to a single person who had known her to have buried a child, and he then returned to the court and reported that she had not been able to make out her case by proving the truthfulness of her statement. The judge then sentenced her for three months to the County prison. After this the agent investigated the case and discovered that every word that she had said to the court, was literally true, and that her child was buried the day previous to her asking a member of the said society for assistance in paying the expenses of the burial. The physician was seen who had given the certificate of its death at the time; the sexton who had buried it, and the clergyman who had authorized the burial and who had paid the undertaker for burying it, with the understanding that she was to pay him again, he having perfect confidence in her promise to pay were also seen. One of her children had been previously buried in the same ground. When satisfactory proof was given by the agent to *Judge Ludlow* of these facts, her sentence was reconsidered, and she was discharged from prison. The agent gave her some money and placed her in charge of a member of the church, who came down to the prison and received her, and promised to see to her and assist her, as she had not had any assistance from her husband for several months, he being absent from the city: she supposes he is in the army.

The second case was that of a sailor, who became intoxicated and took some money from a friend, in whose house he boarded. The money was not under lock and key, but was left in an exposed and tempting position, when it was taken. He very soon made away with it in treating his comrades. He was a young man, whose previous character was good, and who was respectably connected. His discharge was obtained from the court with the consent of all parties concerned, by a "nolle prosequi" having been entered. The agent then placed him under a corporal's guard and put him into the army, where they gave him \$160 bounty, of which he ordered that the amount taken from his friend be returned, and the balance to be paid to his mother, after deducting a small sum for his immediate use. He authorized his mother to receive his pay while he was in the army. By this arrangement *he was*

enabled to serve his country and his mother, and will not be disgraced as a convict.

The third case was that of a woman who was committed for assault and battery, of which charge she was not guilty. She seemed to be *the victim* of a *conspiracy* on the part of *nine families* which lived in the same house, three of which had taken out separate warrants against her from different magistrates. One testified that she had attempted to kill her infant child with a knife, another sued her for assaulting her, and calling her husband a murderer, another one sued her for throwing a basin of water on a child, eighteen months old, and beating it, and for *this*, she was imprisoned upon the charge of assault and battery. The others had prepared themselves with their separate warrants to have her re-arrested, should she succeed in being released from prison by getting bail. She was an intelligent, sober, industrious woman, of about fifty years of age. She was the only support of her old mother, eighty-two years of age. They lived in one room and worked for the arsenal on army clothing. The old lady had two sons and two grandsons in the army. She quarrelled with the neighbors in the house, because they were not so much in favor of the Union as she was. She called them "*secessionists*," and said "they were traitors to their country; if they were not such, their husbands would join the Union army." The parties became excited, and one of them was going to strike the old lady, when the daughter undertook to defend her mother with a basin of water that she threw at them, a portion of which went upon the child, and this was the extent of her offence for which she was imprisoned. The old lady managed in her feeble condition to get to the prison to tell about her distress. The agent became interested in her case, took the old lady home, saw the neighbors and succeeded in convincing them that they had acted hastily, in moments of excitement, and had conspired to oppress these women unnecessarily. He got them to consent that the daughter should be released, on condition that they would remove from the premises, which they agreed to do. And in this way much unnecessary suffering was prevented, and several law-suits discontinued. All of which was effected soon after the imprisonment and without costs.

The fourth case was that of four women, one white and three colored, who were committed for threatening. The white woman was quarrelsome and of intemperate habits. She imagined that the colored women threatened her; she sued them. As they could not give bail, they were committed. Before leaving the magistrate's office, they sued her on precisely the same charge. She, too, being unable to get bail, they were all four imprisoned by the same magistrate, late on a Saturday afternoon, very much to the discomfiture and inconvenience of the industrious colored women, each of whom had gentlemen's clothes in wash, that had not yet been delivered; the pay for which they hoped to receive for the support of

themselves and their children. They were relieved from this dilemma by the agent, who had their cases quickly settled, with the consent of all parties concerned, and who released them from prison in less than an hour after they had been committed. They were then permitted to return home, and finish their work and care for their unprotected families.

The fifth case was that of an interesting, respectable young girl of about sixteen years of age, who was a stranger in the city, and who came here to learn a trade. She was committed for the larceny of four dollars, of which charge she was not guilty. The supposed larceny consisted in paying her landlady for four weeks' board. The money was in notes, that the landlady imagined the girl had taken from her. The case was investigated by the agent, the money was satisfactorily accounted for by the prisoner, who showed where she received it, and she was released and taken to the Howard Home, where she has received such instruction and attention, as could not fail to benefit her, a friendless stranger in our city.

The sixth case was that of a little boy, thirteen years of age, who was imprisoned for assault and battery with intent to kill a soldier. The agent obtained a return of the case for the court and subpoenaed the soldier to appear before the grand jury, and gave them such other evidence that satisfied them that the charge was groundless, and that it was a mere childish freak on the part of the boy in snapping a pistol at the soldier with no cap upon it. The assault and battery consisted in making some resistance to the soldier, when he arrested him. The boy was of respectable connexions. His bill was ignored and he was released, after having been incarcerated but a few days.

The seventh case was that of a mother and a son, of about ten years of age. They were both badly beaten by a drunken man, who sued them and imprisoned them on the charge of assault and battery; when the terrible bruises upon their persons showed that *he* had badly beaten *them*. She was a respectable woman with a large family of little children. Although she was the owner of real estate, she was hurried to prison, without an opportunity having been afforded her to get bail. The agent interfered in her case, saw the magistrate and parties concerned, and she was released and permitted to return home in a few hours after she had been committed.

The eighth case was that of a worthy woman, who had been imprisoned for "keeping a disorderly house." The imprisonment seemed to be highly improper, as was ascertained by the agent, who went to the magistrate on a Sabbath morning and procured her discharge. She was an industrious, sober woman, mother of a family of little children, and had a drunken husband, who came home at two o'clock in the morning and beat her and abused her in a shameful manner, so that the children got frightened and hallooed "murder." The police came and arrested them both and

took them to the station house, where they were kept until ten o'clock in the forenoon, when they were committed to prison. When the agent saw them, he became interested for the mother from having heard the screams and shrieks of the little boy, ten years old, who had followed the van containing his mother to the prison and brought her some clothing to cover her nakedness, (she having been taken in her night clothes,) and told the distress which was caused by his father's misconduct at home. The agent took the boy with him to the magistrate's office and got him interested in their case, so that he released the mother immediately without cost. The little boy had the satisfaction of seeing his mother liberated through the agent's interference in less than half an hour after she had been imprisoned. She was truly grateful for the prompt assistance given to her, which enabled her to see after her family, and particularly her little infant, that was but seven months old and had been left uncared for.

The ninth case was that of an intelligent man, who was an artist, a painter by profession, who was committed for "desertion of his wife." The agent supplied the solicitor of the guardians of the poor with a statement of the case, occupying eight pages, wherein the prisoner's sufferings were fully described in reference to his ill treatment by his wife, who had frequently turned him out of his own house and quarrelled with him as well as with her neighbors. She then caused the guardians to imprison him on the charge of "desertion." He had never deserted *her*, but she had frequently deserted *him*. He had always provided for her in a bountiful manner. She was his second wife, who had no sympathy either for him or his children, whom she had often maltreated and turned into the street and refused admittance to their father's house. The agent's investigation of the case resulted in the solicitor's giving his immediate discharge from prison. He expressed great sympathy for him, and said that, if he had been acquainted with all the facts when the case was investigated in court, the prisoner would not have been sentenced to imprisonment for "support of his wife," as he had been. His case was one of great oppression, as he had twice set her up in business in a dry goods' store, and allowed her to have the whole profits of the business for herself and also paid her rent, and besides, given her thirty dollars a month from his earnings. But with all this she was not satisfied and could not get along, because she was a proud, extravagant woman.

The tenth case was that of a German soldier, who was imprisoned for "false pretence," which consisted in borrowing money from two different persons for the purpose of getting a commission as captain in the army, and in promising to pay them as soon as he got his commission, which, however, he did not get; and as he had expended the money and had none to pay them again, they imprisoned him on the charge of "false pretence." He was a man,

who had a wife and seven children in New York depending upon him for support. He had abundance of recommendations of good character. The agent saw his prosecutors and got them to consent to come down to the prison and talk with him, which they did: when they became very much interested in him, gave him some money, went to the district attorney and asked for his discharge and paid all expenses of the court charges, and invited him to their houses and proffered him their friendship for the future. They became satisfied, upon reflection, that nothing wrong was intended on the part of the prisoner. The agent received his grateful thanks for the friendly interference, that relieved him from the intense suffering in his anxiety for his wife and children. He immediately entered the army as sergeant, in which capacity he previously had served the government.

The eleventh case was that of another German soldier, who had been committed on the charge of stealing an old knife and a pocket-book with four pennies in it. The agent saw the prosecutor and investigated the case, when it was ascertained that he had committed no robbery, but that his comrade, who roomed with him, had dropped the knife and the pocket-book when he was drunk, and the prisoner picked it up to take care of it for him. They were both intoxicated at the time, and on a careful examination of this case, the agent ascertained that the *prisoner himself had been robbed of \$900*, that he received in California, *and of a watch*, that had since been obtained by the police, who telegraphed to New York and had the thief detected. The prisoner was then released with the consent of the prosecutor, who went to the grand jury and asked to have his case ignored, he being fully satisfied that there was nothing wrong with the prisoner, and that he had been more sinned against than he had sinned himself. His immediate release from prison enabled him to go on to New York in pursuit of the thief that had robbed him.

The twelfth case was that of two young mechanics, imprisoned on the charge of "misdemeanor," which consisted in their being accused of attempting to pick a pocket, of which offence they were not guilty. They were strangers in the city, who came from New York to get employment. They were well-recommended to one of our most respectable firms, who gave them work. They went into a hotel, where they were suspected of the above offence, the charge being made by a drunken man. Their cases were investigated by the agent at the request of their employer, when it was ascertained that they were entirely innocent of the charge, the alderman being wholly unable to give any good reason why he had committed them. The agent demanded their immediate liberation, which was granted at a late hour in the night, they having been committed for a farther hearing. They were released from prison in a few hours after his attention had been drawn to the case.

They were truly grateful for the assistance given, and their employer, who needed their services on government work, expressed his great satisfaction in seeing them promptly released. The magistrate who committed them, has since been convicted of a criminal offence, to which he pleaded guilty. He has resigned his appointment as a police magistrate and his situation as alderman, and returned his commission to the governor.

The thirteenth case was that of a respectable woman, who had been unjustly committed upon the charge of assault and battery. She was taken from her family in Germantown, where she resided. The agent obtained her discharge without cost. At the very time she was leaving the prison, the alderman who had committed her, entered the prison, upon a commitment by the court of two charges of criminal offences, of which he pleaded guilty. He was sentenced to an imprisonment of six months. Three days after this he died in prison of mania potu.

The last case was that of a woman, committed for larceny. She was accused of having stolen a box of jewelry, of but little value. Upon investigation of her case the agent ascertained that she had been previously robbed by the prosecutor of some bed-ticking, who brought this charge against her to defeat the ends of justice. She was arrested and imprisoned at the very time when she was required to be at court, to testify in reference to her stolen property. The careful examination of the case on the part of the agent enabled him to prove in court, that there had been no larceny committed on the part of the *prisoner*, but to the contrary that the *prosecutor* had entered the prisoner's house when she was absent, ripped open a pillow and placed the jewelry into it, and hastily sewed it up with black thread of a peculiar kind, such as the agent found in the prosecutor's house, who was said by the neighbors to be an intemperate woman of doubtful character, while the prisoner was in every respect the contrary. She was a good and industrious woman, with two little children. Her husband was in the army. The agent succeeded in proving in court, that she was entirely innocent of the charge, and she was honorably acquitted. All of which was speedily done, within the period of two days from the time when the charge was first brought against her. When the officer had searched her house for the jewelry and could not find it, the prosecutor pointed out the very pillow which contained it, and asked to have that searched, which circumstance showed that *she* placed it there. The *District Attorney* remarked to the jury, "that the charge was evidently brought against her, to defeat the ends of injustice," and he said that "if Joseph's cup was found in Benjamin's sack, Benjamin did not put it there; which was the case in this instance."



TENTH ANNUAL REPORT

OF

William J. Mullen,

PRISON AGENT.

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JANUARY 1, 1864.

Chandler, Fr., 506 Chestnut St.



TENTH ANNUAL REPORT
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WILLIAM J. MULLEN, PRISON AGENT,
TO
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For Alleviating the Miseries of
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INSTITUTED 1787.

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**PHILADELPHIA, JANUARY 1, 1864.**  
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VICE PRESIDENTS—DR. WM. SHIPPEN, JOSEPH R. CHANDLER.

TREASURER—EDWARD H. BONSALE,

SECRETARIES—JOHN J. LITTLE, EDWARD TOWNSEND.

COUNSELLORS—HENRY J. WILLIAMS, CHARLES GIBBONS.

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PRISON AGENT—WILLIAM J. MULLEN.

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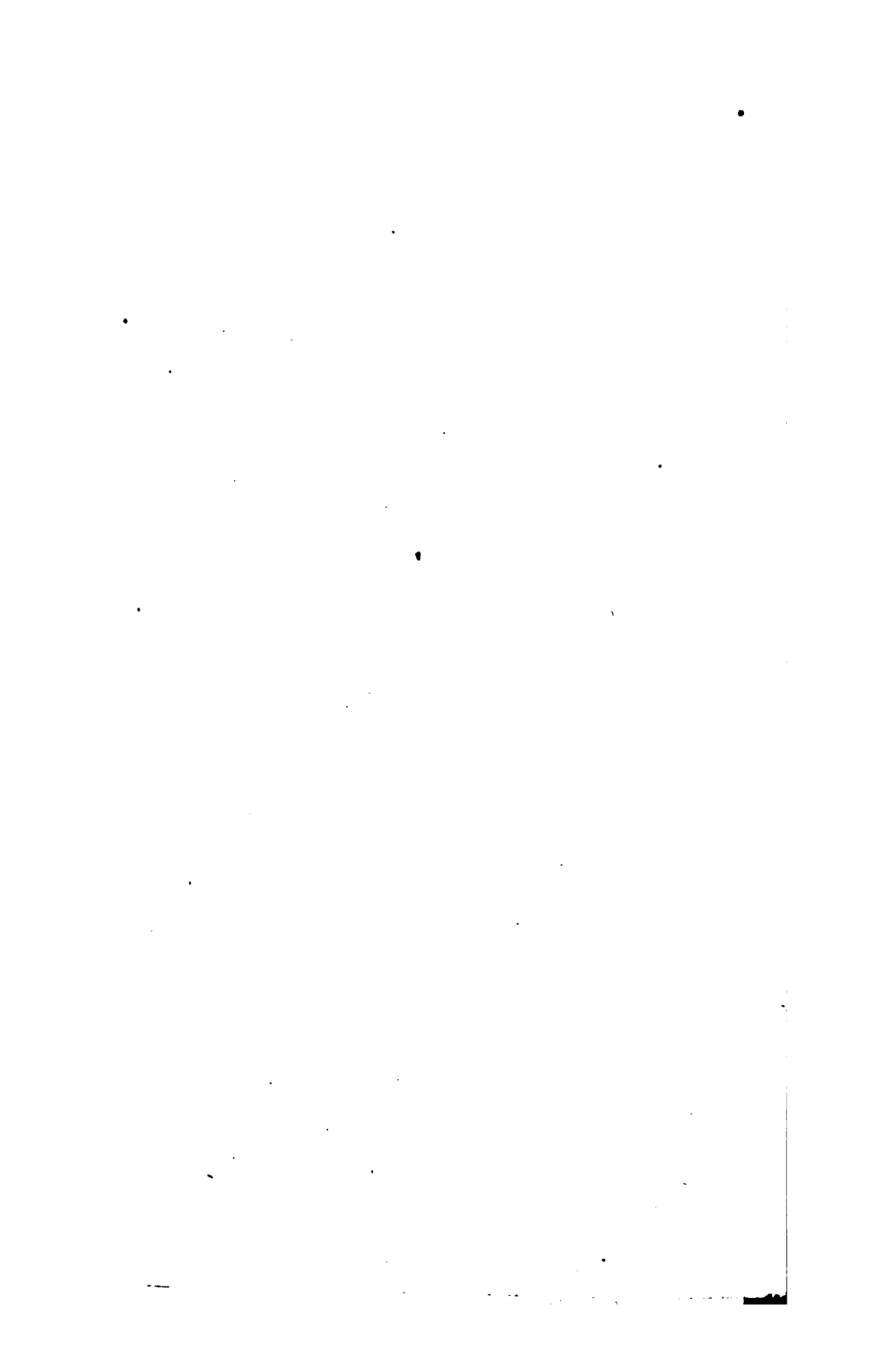
**1864.**



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| 5. The two sailors.                                                       |       |
| 6. Young Soldier for larceny of shirt.                                    |       |
| 7. Larceny of a piece of sausage.                                         |       |
| 8. Little boy for larceny of an egg.                                      |       |
| 9. Soldier for larceny of a lady's fur cape.                              |       |
| 10. An old man for the larceny of some chips.                             |       |
| 11. Poor woman with dead child.                                           |       |
| 12. Boy subject to fits.                                                  |       |
| 13. Two small boys for larceny of a peach.                                |       |
| 14. Case of attempted suicide.                                            |       |
| 15. Accused of the larceny of two notes.                                  |       |
| 16. A contraband charged with the larceny of shoes.                       |       |
| 17. The wounded Soldier.                                                  |       |
| 18. A colored man accused of larceny of pocket book.                      |       |
| 19. Young girl on the charge of larceny of four forks.                    |       |



PHILADELPHIA, JANUARY, 1ST, 1864.

TO JOHN M. WETHERILL,

*Chairman of the Committee on County Prison, of the Philadelphia Society for Alleviating the Miseries of Public Prisons.*

RESPECTED SIR:

The undersigned would submit for the information of your Society his TENTH ANNUAL REPORT. It will appear from this that within the last year he has succeeded with the co-operation of the constituted authorities, in liberating from prison one thousand four hundred and ninety one persons, (forty of them being small children,) at a cost of \$118 08, paid to Magistrates and other officials. There were about twenty-five hundred cases investigated, the parties were all committed for court, but on a careful examination it was found that the imprisonment of a majority of them was either extremely unjust and oppressive, or for offences so trivial, or accompanied by such mitigations, that a further confinement did not seem demanded by either justice or expediency. It was discovered that many of these suits sprang either from vindictive malice or a thirst for gain; while others were instituted by intemperate persons, who unconsciously or recklessly overlooked the wretchedness they caused, by incarcerating parents whose children were thereby left without protection or support. It is not of course denied that many of the above were, to some extent guilty, but for the reasons assigned, it was concluded that their release at the time it was effected, was an act in every way proper. The liberation of the persons referred to, saved to the county the sum of \$18 924 29½, of which \$8 759 62½ must have been paid, as costs for ignoring their bills @ \$5 87½ for each case, and \$5 164 67 which their maintenance would have cost, had they been retained in prison until the earliest regular period for disposing of their cases, the cost of the food of an untried prisoner per day, exclusive of salaries and other expenses being fifteen cents.

The whole number of persons released within the last ten years, through the agent's interference since the commencement of the agency, has been fourteen thousand five hundred and three, (14 503,) at a cost of \$1284 74, averaging the amount paid for each prisoner about eight cents, which was paid to Magistrates and others in authority. Their liberation saved to the tax payers of Philadelphia, the sum of \$106 487 48. Had they been tried in court the cost would have been \$18 50 in each case; the party failing to pay this from poverty or otherwise, is liable to an imprisonment of thirty days. The City Treasurer is required to pay \$9.50 for each true bill found, instead of \$5 87½, as has been here rated, for ignoring their bills by the Grand Jury; this would with adding the average cost of their food while remaining in prison have increased the expenditure to \$247 487 20, instead of \$106 487 48, the sum above stated as saved. The unjust distressful and trivial character of these arrests, may be partially understood from the several instances given at the close of this report, and here the agent would remark, that his object in executing the duties of his office, is not so much to effect the release of a large number as to liberate those only who ought to be at liberty.



The whole number of arrests was over Thirty-five thousand and the number of commitments to our County Prison during the year was 17,219 out of which latter class there were 336 bills ignored, and but 320 convicted, sentenced and recommitted to prison, of these 233 were sentenced to labor, and eighty-nine without labor, of the remainder there were discharged by the Courts 208; by the Magistrates 8,173; by the Inspectors 6,025; prisoners whose time expired within the year 1,682. Of the above number committed there were 9,932 white males, and also 5,598 white females, of the latter number there were but 28 convicted and sentenced to labor, and 10 without labor, 958 black males and 731 black females, 18 of whom were convicted and sentenced to labor and 1 without labor. The whole number of commitments of both sexes shows an increase of 2,659, over that of the previous year. This increase of commitments is the more remarkable when we consider that the class which furnishes the largest number of subjects to the prison has been greatly diminished by enlistments in the army. It can be accounted for only in two ways: improper commitments by magistrates and the increased sale of intoxicating liquors. When we reflect upon the fact that during the past year the different counties in Pennsylvania paid into the State Treasury, for tavern licences, the sum of \$246 609,08, of which amount Philadelphia city contributed the large quota of \$133 492,00, to secure a licence to deal out "death and destruction" to our fellow men, "sowing the seeds of discord every where," filling our prisons," making unnecessary work for the Courts" without accomplishing any good, and that too at a frightful cost of money, independently of the great injury to the morals of the community. There can be little cause for wonder at the crowding of prisons and almshouse, in a city whose dens of drunkenness are open by day and night on every street, to entice the young of either sex to degradation and ruin. This whole business seems to be "penny-wise and pound foolish." Every day's experience of your agent offers more convincing proof of the necessity of a House of Correction for such cases. Under proper management, such an institution could be made nearly if not quite self sustaining; and while relieving the county of the cost of many needless imprisonments would do still better service by training its inmates in the healthful exercise afforded by useful employment. This whole subject has been entrusted to a committee, composed of some of our wisest and best citizens, who have selected a site and matured the plans for the erection and management of the Institution. Nothing now remains to complete the work but an appropriation by the City Councils of the necessary sum of money.

The total number of cases acted upon by the Grand Jury, within the year was 3,367, out of which 1,730 true bills were found, and 1,937 ignored. It would appear that the agent's labors have diminished the criminal calendar so as to materially lessen the business of the Court, as may be seen from the following article extracted from the "Philadelphia Inquirer" of November 21st, 1863. "Only one hundred and ninety cases were tried during the October Term, the smallest number tried for any term since the present District Attorney has been in office." The above statement may be readily accounted for, from the fact that the agent effected the release of 285 persons from prison within the two months preceding this term, all of whom might have come before the Court for trial. Out of the number disposed of in this term of Court, 45 were convicted and only 30 sentenced to prison.

The cost of these trials for the year was as follows, viz :

|                                                               |                    |
|---------------------------------------------------------------|--------------------|
| For the District Attorney, - - - - -                          | \$12 436 00        |
| Clerk of Quarter Sessions, - - - - -                          | 6 866 60           |
| Sheriff, - - - - -                                            | 3 437 49           |
| Paid to Tipstaves, Jurors, for Stationery and other expenses, | 22 292 99          |
| <b>Making a total of - - - - -</b>                            | <b>\$45 083 08</b> |

This sum is independent of the meagre salary of \$2,800 that is paid by the State to each one of the Judges for their valuable services, given not only in the Criminal Court, but also in the Court of Common Pleas. An attempt to eulogize these efficient officers of the law in this report may be considered entirely out of place, but nevertheless it is to be deplored, that in a community like Philadelphia, the services of those to whom we confide our highest worldly interests are not more fully recognized by a fair and liberal remuneration by way of appreciating their worth for the long and patient hours they devote to the community day after day in our Courts, and night after night at the loss of domestic ease and social enjoyments. It is their legal experience which forms opinions that in reality become the law of the land ;— published in the law books of the day, serving to harmonize not only present controversies, but to act as precedents to govern the litigation of future ages.

This subject is well worthy of the consideration of the present Legislature, now that the increase of salaries is the order of the day in all the departments of the city government.

It seems appropriate to the general character of this Report, that we here insert the following remarks of the Grand Jury of the August Term in reference to the Magistrates. "It has been a matter of exceeding regret that the law has not clothed this body with discretionary power to "*tax the Magistrates*" before whom the cases are heard, with the costs, as a proper rebuke to that avarice which seeks to convert litigation and contention into a source of gain, which offers a premium for crime by making the ministers of the law its transgressors, and prostituting the province of peace to that of a common barrator."

We give the following extracts from the editorial article which appeared in the "Press" of July 18th, 1863, it being a review of your Agent's Report made to the Prison Inspectors, July 1st, 1863, in which the iniquitous system of committals by the Magistrates is justly condemned.

#### "PRISON COMMITMENTS.

"More than once, when noticing the annual report of the Prison Agent, we have been compelled, by the glaring character of the facts it discloses, to animadvert, in strong language upon the evident evils arising out of, or at least committed by the existing system of dealing with accused persons in this city. The report, just published, shows that these evils are unmitigated. The statistics which it communicates are sufficient to awaken the sympathies, if not also to arouse the indignation, of all who study them. We shall briefly point out the leading facts, leaving the public to say whether such things should be permitted in the law-governed metropolis of such a sovereign State as Pennsylvania.

It appears, then, within the last year, of 16,587 persons committed to the county prison, charged with offences against the law, *only 845 were convicted*. Out of nearly seventeen thousand persons so committed, only 8,119 were indicted, and the grand jury found true bills against only 1,621, and ignored the indictments against 1,498. That is about one in five cases went before the grand jury; one in ten had true bills found against them; one in forty-seven were convicted.

What became of the remainder? The prison-agent answers this question. Out of the 16,587, the magistrates discharged 7,046, the prison inspectors discharged 6,511, and the prison-agent effected the release of 1,285.

The unfortunate men and women released through the intervention of the prison-agent, had actually been committed for trial, but on inquiry into their cases, it appeared that either the charges against them were groundless, or at any rate, so trifling that it would be cruelty to detain them in prison. It is to be regretted that the same humane interference had not been extended to the unfortunate, innocent prisoners, to the number of 1,285, against whom the grand jury declare there was no *prima facie* case.\* The sum of \$180, chiefly raised by the 1,285 prisoners and their friends, was paid, the prison agent affirms, "to the magistrates, district attorney, and other officials;" for it seems to be the rule that, whether the prisoner be innocent or guilty, the aldermen and lawyers in office get their fees. Is it too much to infer that out of the 7,046 persons committed to prison by the magistrates and subsequently discharged by them, not one in twenty ought originally to have been sent to prison? Magistrates and policemen may think, and often do think, that it is a trifling thing to send a man or woman to prison on slight suspicion; but they err in such belief. It is no light thing for man, woman, or child to be sent even "down below;" it is a severe infliction to innocent persons, and it puts a slur upon their character that is rarely, if ever, wholly obliterated. If magistrates would only be a little considerate, this evil might be greatly mitigated. If hasty and unjust decisions were punishable with a fine, in each case, their number would speedily be much reduced. It is a monstrous wrong that of 16,587 persons committed to prison within the year, 14,842 were discharged without trial (which shows that they never should have been sent to prison,) and that out of the 1,621 against whom true bills were found, only 845 were convicted on trial. The thanks of the public are due to the prison agent for disclosing these facts.

The case is bad, but there is a remedy for it. Public opinion suspects that the numerous committals are caused by desire to get certain fees. We say, abolish the fees, reduce the number of magistrates, pay them respectable salaries, and, to insure competent men, provide that each magistrate, (to hold office during good behaviour,) must be a "counsel learned in the law," and of sufficient standing and experience to secure his being the right man in the right place. The Aldermanic system, with a very few exceptions, is a failure, and should be changed."

The economy and good management of the Prison Inspectors continue to give universal satisfaction, the actual expense of the prison for the year being but \$50,608 58.

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\* The 1,285 cases here alluded to in the above editorial article had not been committed to prison and did not come under the agent's notice, they having entered bail before the magistrates for their appearance at court

The long experience of the Superintendent, Mr. William B. Perkins, in prison management, has enabled him to keep up such a discipline in the control of the prisoners as meets with general approval.

The moral instruction given on the Sabbath under the supervision of the agent by the clergy of the different denominations continues to be satisfactory. Many of the discharged females were taken by the agent to the Howard Home and the Bosine Asylum, where they receive instruction in various branches of industry. These excellent institutions are accomplishing much good.

The insane sent to our prison from time to time have been speedily disposed of and removed to the Insane Asylum, at Blockley, where they will be properly cared for; instead of remaining in prison an almost insupportable annoyance to those who are constrained to be within hearing of their hideous cries.

The number committed during the year was 29.

The deaths which occurred during the past year were 51.

Letters have been written for the prisoners when required, and over 400 have been mailed and sent to their friends.

In discharged convicts, a class needing sympathy and help, the agent has as heretofore specially interested himself; in numerous instances supplying them with articles of clothing and other needful items, and often providing them with temporary homes, or obtaining self-supporting employment; he has also secured rail-road tickets for numbers who wished to go to their distant friends.

The Grand Jury in their presentment for the April term, in alluding to the agent, say "We hereby commend the labors of the Prison Agent, William J. Mullen, in legally releasing some and ameliorating the condition of others of the unfortunate inmates of the Moyamensing prison, with an annual saving of great expense to the county."

The Prison Inspectors in their Annual Report to the Legislature, February, 1863, in alluding to the labors of the agent in contrast with the doings of the Magistrates of the city say, "The Board dwell upon the necessity of reform in our magistracy for their experience with its workings, has impressed them strongly with the evils of the system. The pages of the journal of our Prison Agent would satisfy any, who desire enlightenment upon this subject, of the injustice, iniquity and corruption which attend the so called administration of criminal justice amongst us. Indeed the duties of this officer are chiefly designed to abate and restrain oppressive illegal acts on the part of committing magistrates. The Board feel it incumbent again to record their opinion of the value of the services rendered by the Prison Agent, Mr. William J. Mullen. The duties of this officer are of a peculiar character, and demand a combination of important qualifications; the Board are satisfied that they are discharged with fearlessness, energy and discretion."

In closing this report the agent cannot refrain from expressing his thanks to your Committee and to the Prison Inspectors, for the sympathy and kindly feeling shown him during his protracted sickness which unfitted him for duty for several months. The advice and facilities which were extended to his son who was allowed to fill the office temporarily, enabled him successfully to effect the release of many oppressed persons, in a manner which your agent trusts has met with approval.

While death has been in our midst, and removed three of our most useful mem-

bers, your agent through the mercy of a kind Providence has again been permitted to enjoy his accustomed health, in gratitude for which he hopes to renew his labors with redoubled energy. For success in every effort to alleviate the distresses of humanity he relies upon the guidance of "HIM WHO DOTH ALL THINGS WELL."

All of which is respectfully submitted for your approval, with a schedule of the cases.

WILLIAM J. MULLEN, *Prison Agent.*

## SCHEDULE.

Showing the number of Cases discharged from the Philadelphia County Prison, from January 1st, 1863, to January 1st, 1864, through the interference of the Prison Agent, many of them being innocent, others were considered sufficiently punished by the confinement they had suffered.

| Offences.              | Jan. | Feb. | Mar. | Apr. | May | J'ne | Jul'y | Aug. | Sep. | Oct. | Nov. | Dec. | Total. |
|------------------------|------|------|------|------|-----|------|-------|------|------|------|------|------|--------|
| Assault and Battery,   | 38   | 10   | 25   | 18   | 25  | 16   | 57    | 21   | 36   | 21   | 26   | 15   | 308    |
| Misdemeanor,           | 28   | 7    | 21   | 31   | 34  | 37   | 74    | 15   | 42   | 39   | 16   | 29   | 873    |
| Abuse and Threats,     | 17   | 5    | 28   | 36   | 60  | 62   | 70    | 46   | 57   | 69   | 37   | 65   | 552    |
| Larceny,               | 11   | 11   | 14   | 12   | 12  | 9    | 12    | 7    | 19   | 16   | 19   | 12   | 144    |
| Malicious Mischief,    | 6    | 2    | 7    | 3    | 2   | 2    | 3     | 6    | 5    | 2    | 5    | 7    | 45     |
| Disorderly House,      | 1    | 1    | 2    | 4    | 7   | 4    | 9     | 3    | 5    |      |      | 8    | 39     |
| Desertion,             |      |      |      |      |     | 2    | 1     |      | 1    | 1    |      |      | 5      |
| Accessory to Murder,   |      |      |      |      |     |      |       |      | 1    |      |      |      | 1      |
| Concealed Weapons,     |      |      |      | 1    | 1   |      | 1     |      | 1    | 1    |      |      | 5      |
| False Pretence,        |      |      |      | 1    |     | 1    |       |      | 1    |      |      |      | 3      |
| Assault,               |      |      |      | 1    | 1   | 2    | 2     |      | 4    | 1    | 1    |      | 12     |
| Forgery,               |      |      |      | 1    |     |      |       |      |      |      |      |      | 1      |
| Abandoning Apprentice, |      |      |      |      | 1   |      |       |      | 1    |      |      |      | 3      |
| Total.                 | 101  | 36   | 97   | 108  | 143 | 135  | 229   | 92   | 174  | 151  | 94   | 131  | 1491   |

# A SELECTION OF THE CASES

## ILLUSTRATING THE SYSTEM

OF THE

## COMMITTALS AND THEIR CHARACTER.

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1.—*The first case* was that of two young soldiers from the State of Maine (one of them was of a family of the highest respectability); they were accused of stealing a silver watch valued at \$18; for which offence they were committed to prison. When the parents of one heard of the imprisonment of their son, they addressed a letter to the warden of our prison, expressing their surprise at his arrest. They stated that they had never known him to do anything wrong, but to the contrary, he had always conducted himself in such a way as to command the respect of all who knew him. They wished to know whether it was necessary to send on money to employ counsel to defend him. This letter was handed to the Agent, who made himself thoroughly acquainted with their case, and who believed they were innocent. The letter was answered, and the Agent stated his belief that the charge against their son was groundless, and the defence would be conducted free of charge; that a remittance in money was not necessary.

Shortly after this, the Agent succeeded in establishing the innocence of both the accused; and so far from having stolen anything, they had been induced to drink liquor that was drugged, until they became intoxicated, and robbed by the prosecutor; were taken out under the cover of night and laid at the door of an adjoining dwelling-house. The very party who had robbed them went to a magistrate and made oath to the charge of theft, for which they were committed. The Agent succeeded in ascertaining, from one of the inmates of the tavern, that the young men were entirely innocent of stealing the watch, and that the prosecutor had actually offered to sell the watch the day after they were sent to prison. As soon as these facts were discovered, the Agent got a return of their case from the magistrate; took it into Court, and informed the District Attorney of the whole proceedings. The prosecutor was immediately sent for, but was nowhere to be found, as he had suddenly disappeared and left for New York, he having become alarmed at the Agent's interference. The case was laid before the Grand Jury, and ignored,

the prisoners released, and permitted to return to the hospital, where their wounds could be properly attended to. These two soldiers had been engaged in one of the late battles; both were wounded and sent to the Chestnut Hill Hospital, where they had partially recovered from their wounds. As they were convalescent, permission was granted them to visit the city, where they got into this difficulty. The Agent addressed a letter to the anxious parents of the one with whom he had previously corresponded, that their son's innocence was fully established, and that he was honorably discharged by the Court. This intelligence was, no doubt, most gratifying to them.

2.—The next case was that of a husband and his wife imprisoned for the larceny of an *old three-prong table-fork*, of little or no value, which he found in a pile of ashes in the street. He took, cleaned, and repaired it, and put a particular mark upon it, such as he had on all his tools in his workshop, he being said to be a respectable mechanic. He then gave it to his wife for the use of his family, and for this they were both arrested and imprisoned on the oath of a quarrelsome neighbor, who testified that it was her fork, and she knew it by the particular mark upon it; which the prisoner said could not be the case, as it was he who put this the only mark upon it; and it was certain that they both could not have stolen the fork, although each of them was committed to prison for the same offence. They were *respectable-looking people*, who had never been in prison before. The woman was in great distress of mind, and on the eve of her confinement. They resided in the extreme northern part of the city, and were sued before a magistrate in the southern part of the city. This circumstance indicated a malicious feeling on the part of the prosecutor, and particularly so in causing the mother to be separated from her infant child that had been left at home uncared for, as the officer would not allow her to return home and take her child to prison with her; and this was mainly the cause of her mental suffering that was so apparent to all who saw her. The Agent deeply sympathized with them in their unfortunate condition, and went to the magistrate and immediately procured their unconditional discharge; all of which was done within an hour after the Agent's attention had been drawn to the case. They were then released, and permitted to return to their home, as it did not appear they were in any way guilty of the charge brought against them.

3.—Another case was that of a poor old woman whose leg had been recently amputated. Before the parts had entirely healed up, she sought employment at the U. S. Arsenal; she went there on crutches, and received work in making up army clothing. Before she got the pay for this, she found herself destitute of the means of procuring the necessities of life, and her necessities induced her to take a frock belonging to one of the inmates of the house, and she pawned it obtaining fifty cents upon it. She intended to redeem it as soon as she would receive her pay from the Arsenal; but before she succeeded in doing this the frock was asked for. She informed the owner where she had pawned the article. The owner went to the pawnbroker, demanded the frock, and received it; the latter then caused the prisoner to be arrested and imprisoned. The Agent went to him and paid the amount loaned upon it, with interest, which sum in all was seventy-five cents; and this poor woman was immediately released from prison and permitted to return home and finish her work for the Government.

4.—*The fourth case* was that of a poor colored woman that went to a woman's house and complained of her "harboring her husband," and "keeping him away from his work." The prisoner called the proprietress of the house "hard names, and said she was a prostitute" that was taking away other women's husbands." The proprietress, who was also a colored woman, considered herself slandered, employed counsel, who advised her "to sue the prisoner for damages" done to her character. A sheriff's writ was issued and served upon the prisoner. The penniless woman was taken from the washtub and lodged in the Debtors' Prison, without a hearing, she being unable to procure bail, to be prosecuted in the Supreme Court for the slanderous words used to the prosecutor. Her husband afterwards sold all her furniture and effects, leaving her home desolate. The neighbors secured the clothing that had been given her to be washed, and returned them to their owners, or they would have been disposed of by the husband also. On the case being presented to the Agent's attention, he made himself acquainted with the facts, and at his suggestion the prosecutor readily consented to accompany the Agent to the sheriff's office and withdrew the suit, securing the unconditional release of the prisoner, who was then taken to the House of Industry, where she was cared for, her husband having deserted her and deprived her of a home. This intercession, on the part of the Agent, prevented an unnecessary lawsuit, and released the poor woman from further imprisonment.

5.—*The fifth case* was that of two sailors who had just arrived in this city after a cruise of nearly three years. Receiving permission to come on shore for a few days, in order to "look around town," being unacquainted with the streets, they wandered until they got in the neighborhood of Front and Dock streets, where they were met by the prosecutor and some of his friends, who, knowing they were sailors, and thinking some money could be obtained from them, asked them to take a "drink," which they did, and soon afterwards became intoxicated, when they got into a dispute with the prosecutor, who "beat them shamefully," and the next morning had them arrested and committed to prison for committing an assault and battery. On investigating the case, it was found that the prisoners were entirely innocent of the charge, and that the whole affair was got up for the purpose of extorting money from the prisoners. The Agent obtained their immediate discharge, with the consent of the prosecutor, without paying him anything; they were then permitted to return to their vessel.

6.—*The sixth case* was interesting, being that of a young soldier, an American, who had lost part of his arm at the battle of Antietam; he had been sent to our city to have an artificial arm made. Here he was treated by some of his comrades until he became intoxicated, and took a shirt that did not belong to him; for this he was committed to prison on the charge of larceny. The agent saw his prosecutor, who consented that his case might be settled, he was released without costs by authority of the court, a shirt was then given him and one dollar in money, with a through-ticket procured for him to take him to Pittsburg, where he will be cared for by his parents.

7.—*The seventh case* was that of a poor man, who was imprisoned for taking and eating a piece of sausage to satisfy his hunger. He was a stranger in the city without money and without friends; came here to get employment. The agent



obtained his release from prison and obtained his admission to the House of Industry, where he was cared for.

8.—*The next case* claiming your attention, was that of a good looking little boy about nine years of age, who was imprisoned for the first time upon the charge of the larceny of an egg (valued at three cents) The agent obtained his immediate discharge, he having been in prison nearly an hour.

9.—*The ninth case* was that of an intelligent young man, who had been convicted and sentenced to five months imprisonment for the larceny of a lady's fur cape. In the commencement of the war he entered the army as a volunteer, in defence of the government, and did good service for about two years, when he was discharged on account of disability, his health having become generally impaired. He came from Washington to this city with a considerable amount of money with him, here he was invited to a lager beer saloon, where he was treated and made drunk, by a party who then robbed him of all his money, in this state he was observed by a police officer, who saw him enter the store, and in presence of the owner take the fur cape, as above charged. He was so much intoxicated that he did not know what he was about. At the agents request the owner of the article called at the prison and became much interested on the prisoners behalf, also called upon the District Attorney, doing all he could to prevent a conviction, but failed in his efforts to obtain an acquittal, but this officer insisted upon his being tried, and he was convicted. The agent afterwards gave the court a full explanation of the case and obtained a reconsideration of the sentence by the authority of Judge Thompson. His connections are highly respectable, he is a School Teacher who understands seven languages. On his discharge from prison a railroad ticket and some money was given, and he was then sent to his brother in New York.

10.—*The next case* was that of a poor man who had a large family of seven children, two of whom were sons, now in the army. He was imprisoned for taking some chips without permission. The Agent saw that the prisoner was at once discharged, thus avoiding the expense of a prosecution for larceny.

11.—*The eleventh case* was that of a woman who was pursued and cruelly beaten by a woman who was one of her neighbors, who had refused her admittance into her own premises at the time when her child was laying dead. The neighbors interceded in her behalf, and demanded admission for her, as she had a right to enter her own house, and assisted her to force open the alley-gate. This circumstance caused the prosecutor to strike the prisoner, and beat her with a piece of wood in the manner alluded to, until prevented by a neighbor. Although she was the aggressor in the case, she went to an Alderman and prosecuted the prisoner, who was the unoffending party, with the exception that she was intoxicated at the time, caused by grief on account of the death of her husband and child at a time when her attention should have been directed to the interment of the latter. The Agent, on investigating the facts, at once obtained her liberation from prison, by becoming bail for her, that the case might be disposed of in Court, and she permitted to attend to the funeral of her child. Her husband, who was a soldier in the army, had recently died in the hospital. The respectable neighbors, who witnessed the transaction and sympathized with the injured woman, insist upon her obtaining legal redress from the prosecutor or the magistrate.

12.—*The twelfth case* was that of a respectable boy who had been picked up in the street, and committed for drunkenness. He was subject to fits; never had drank any liquor in his life. The Agent obtained a certificate from the prisoner's physician setting forth the fact of his being subject to fits. He was then released from prison.

13.—*The next case* claiming attention was that of two small boys who were imprisoned on the charge of larceny—that of taking a peach that did not belong to them. The Agent attended to their immediate discharge.

14.—*The fourteenth case* was that of a woman committed upon the charge of "attempt to drown herself." This was a very distressing case. Her husband and two sons, who were in the U. S. Army, had been killed in battle. When she received this sad intelligence she went immediately to the wharf and jumped into the river, intending to commit suicide. An officer, who was near, rescued her, and had her committed to prison. The Agent obtained her discharge, and saw that she was cared for.

15.—*Case fifteenth* was that of a woman incarcerated, charged with the larceny of two fifty dollar notes, of which she was innocent. She was taken from her home with her little infant in her arms, and committed to the prison, separated from her three other little children. The Agent ascertained, on inquiry, that the prosecutor had accused three other persons, at different times, of taking the money that the prisoner was accused of taking. The District Attorney and the Court were then advised of the facts. Her case was ignored, and she was released from prison, there being not a particle of evidence against her.

16.—*This case* was that of a colored boy, nineteen years of age, who was a *contraband*. He came to this city in a starving condition at a late hour in the night, and was directed to a Colored Church, where he found a person that befriended him, and invited him to his home to lodge for the night. There were several persons sleeping in the same room, one of whom took his boots. On discovering his loss, he took the only pair of shoes which was left in the room. For this he was arrested and imprisoned. The Agent explained the circumstances of the case to the Court, who ignored it. The Agent provided a home for him, paying his board for ten days, found him a situation in the country as teamster, at \$95 a year and found. A few days previous to his release, the daily *Ledger*, published in this city, refers to this case under the following head: "*A Contraband in Trouble*.—William Murray, a colored man, is now in the County Prison under peculiar circumstances. Murray was born in Liverpool, and came when young with his parents to this country, and located near Havre-de-Grace. While residing there, Murray and his brother, then boys of about ten and twelve years of age, were in the habit of riding on the railroad train from one switch to another; but on one occasion, unfortunately for the boys, they were carried to Baltimore, where they were claimed as slaves by some one, and sold to a Georgia planter, with whom they remained until the breaking out of the rebellion, when the master failed, and the slaves were sold. The purchaser of Murray hired him back to his old master, who was then an officer in the rebel army. He served the Georgia officer until the battle of Antietam, when he made his escape to the Union lines. After his escape, he made his way to Philadelphia." The paragraph concludes with the investigation, then in progress by the authorities, at the request of your Agent.

17.—*The seventeenth case* was that of a wounded soldier, who was committed for want of a home, he being without money at the time. He was shot while on picket duty by a guerrilla, in the right arm, which had to be amputated. He was a young man an American mechanic, and had done good service to his country, (our government not having then made any provision for discharged soldiers,) your agent on learning his friendless condition procured his release, gave him an entire suit of clothes, the necessary railroad tickets to go to Elmira near Erie, Pa., gave him some money, took him to the cars and saw him off to his home, he expressed his gratitude for the timely assistance rendered.

18.—*The eighteenth case* was that of a young colored man, accused of stealing a pocket book containing \$500, that a lady had lost, which was afterwards found and returned to the owner, who had dropped it by placing it in the folds of her dress instead of her pocket; he was a waiter in a hotel, and his reputation for honesty has hitherto been good, his father is a Methodist clergyman, of respectability. The agents attention was drawn to the case on the receipt of letters from the Honorable Horace Binney and Frederick Brown, Esq., of this city, also H. Hollenback, Esq., the Mayor of Burlington, N. J. These letters speak in the highest terms of the prisoner and his father, whose statements might have implicit reliance, the arrest being evidently a mistake, on application of the agent he was immediately discharged with the consent of the prosecutor.

19.—*The nineteenth case* is a very remarkable one; it was that of a girl who was imprisoned for being *honest*! She found four silver plated forks upon the pavement as she was walking along, they were neatly wrapped up in a small package and had a name marked upon them, she rang the bell of the house opposite where she found them, and inquired of the lady of the house if they belonged to her, the lady replied they did not, and recommended her at the same time to take them to the nearest station house, as the parties who had lost them would be most likely to get them if left there. She complied with this request and took them to the station house, and gave them into the hands of the police, who accused her of *stealing* them, and she was then committed to prison on suspicion of larceny. As there was no evidence whatever against her, the agent obtained her immediate discharge without cost.

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ELEVENTH ANNUAL REPORT

OF

William J. Mullen,

PRISON AGENT.

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*JANUARY 1, 1865.*

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Chandler, Pr., 306 Chestnut St.



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PHILADELPHIA:

J. B. CHANDLER, PRINTER, 306 & 308 CHESTNUT STREET, GIRARD BUILDING (

1865.



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**ELEVENTH ANNUAL REPORT**  
**OF**  
**WILLIAM J. MULLEN, Prison Agent,**  
*January 2d, 1865.*

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To

**JOHN M. WETHERILL:**

Chairman of the Committee on County Prison, of the "Philadelphia Society for alleviating the miseries of Public Prisons."

**RESPECTED SIR:**

The undersigned herewith submits for the information of your Society his Eleventh Annual Report. It will be seen from this that within the last year, he has succeeded, with the consent of the legally constituted authorities, in liberating from prison one thousand four hundred and ninety persons. Of this number, there were seven hundred and thirty two males and six hundred and seventy seven females, besides eighty one children, liberated at a cost to themselves of \$212,82, paid to magistrates and other officials. There were over twenty six hundred cases investigated; the parties were all committed for court, but on careful inquiry it was found that the imprisonment of a majority of them was not only unnecessary but

oppressive, or for offences so trivial, or accompanied by such circumstances, that a further confinement did not seem demanded by either justice or expediency. It was discovered that many of these suits originated either from vindictive malice, or a thirst for gain; while others were instituted by intemperate persons who unconsciously, or recklessly overlooked the misery they caused by incarcerating parents whose children were thus left without protection or support. We do not mean to say that many of those that were set at liberty, were not guilty, but the reasons assigned at the time for their liberation, were sufficient to satisfy the officers of the law that their release was, in every way proper, and did not impair the ends of justice. Neither do we assert that many of these innocent persons would not have been released by the proper authorities, who would have had their cases ignored upon the representations of their friends, *without* the interference of the Agent. Admitting this to be so, we however wish it to be understood that their cases were promptly attended to by the agent, without the delay which otherwise must necessarily have taken place, and in most instances they were released without cost. The liberation of the persons referred to, was a saving to the county of the sum of \$17,139 40, of which \$8,415,-80, would have been required to have been paid for ignoring their cases at \$5,80 each, and \$8,723 60 which their maintenance would have cost, had they been detained in prison until the earliest period in the term of court for disposing of their cases. The cost of food of an untried prisoner, per day, exclusive of salaries and other expenses being twenty cents.

The whole number of persons released within the last eleven years, through the Agents interference, has been fifteen thousand nine hundred and ninety three. Their liberation has saved to the tax payers of Philadelphia, the sum of \$123,626 88. The oppressive and distressing character of these arrests may be understood from the several instances given at the close of this report, and here the Agent would again remark, that his object in exercising the duties of his office, is not so much to effect the release of a large number, as to liberate those who ought to be at liberty. The number of arrests in our city, during the year, was thirty four thousand seven hundred, and the number of commitments to our county prison, 14,069, out

of which latter class there were 1,617 bills ignored, and 2,429 true bills found, of which there were but 329 convicted, sentenced and recommitted to prison. Of these 221 were sentenced to labor, and 108 without labor. Of the original number committed, there were discharged by the Courts, 205; by the Magistrates, 6,931; by the Inspectors, 4,397. Prisoners whose time expired within the year, who had not been required to labor, 1,633, and by various other authorities not here named, 803. Of the above number committed, there were 8,093 white males, and also 4,771 white females; 551 black males, and 662 black females. The whole number of commitments of both sex shows a decrease compared with last year of 3,152. This decrease is not remarkable when we consider the class which furnishes the largest number of subjects to the prison, has been diminished to a considerable extent by enlistments into the army.

By this it will appear that there were 3,717 cases acted upon, and disposed of by the Grand Jury and Court, at a cost of \$42,918 14 this being the expense of the Criminal Court for the year, independent of the salaries paid the Judges by the State. Of this the City Treasurer is required to pay the District Attorney's fees, \$10,993. Clerk's fees, \$6,590 36. Sheriff's fees, \$3,500, and to Tipstaves, Jurors, &c., \$21,834 78. Of this if we are correct, as we believe we are, there was a useless amount of \$16,641 86, for ignoring and disposing of true bills, where the parties were found to be not guilty. According to this calculation it will be seen that the conviction of the *guilty* parties, at a cost of \$13,50 each for their trial amounts to \$4,441 50.

The alarming increase of intemperance which abound in our city, that is doing its work so effectually in filling our Prisons and Almshouses with drunkards, ought to be checked in some way. Some restraint by legislation should be placed upon the present indiscriminate and cheap mode of granting Licenses to sell intoxicating liquor, that is producing death and destruction among our fellow men. It is increasing crime daily, and destroying the morals of our youth, and this too without accomplishing any earthly good. We here insert the following remarks made to the Court for the October term upon this subject by the Grand Jury, who say "The Grand Jury

cannot consistently with their views of duty, close their labors without reverting to the fact that much of the litigation brought before them, has its origin directly, and indirectly in the low taverns scattered throughout the city, and they would further remark, that it is exceedingly difficult to understand what conceivable use they are, except to foster evil passions, excite belligerent propensities, prepare inmates for Prisons and Almshouses, and subject the county to much heavy and unnecessary expense." These remarks were fully endorsed by Judge Thompson, in his speech to the Grand Inquest, when he took occasion to speak in a most decided manner against the whole traffic in rum. He said "it had not accomplished any good, and he did not know why it should be permitted to exist in our midst. It produced nothing but evil." The correctness of these views is partially confirmed by the Coroner's Annual Report, published for 1864, which shows there have been 873 inquests held. Of this number 306 died by violence, some of them are as follows, viz: "Suicide by Hanging, 8; by Poison, 7; by the Knife, 3; by Gunshot, 5; by Drowning, 1. There were also 21 Murders. Nearly all of these offences were committed by persons who were under the influence of intoxicating liquors.

We are badly in want of a *House of Correction*; it is strange that our City Councils cannot see this, and make the necessary appropriation for the purpose. There certainly has been enough said and done on this subject within the last fifteen years to have convinced any one of the necessity for such an Institution, to be used for drunkards and vagrants, who should be made to work instead of idling away their time at a useless expense in our Prisons; crowding its cells in such a manner as to produce sickness and death. The Jail (or Spotted Fever,) that has recently existed in the Prison to such an alarming extent, might, in all probability have been prevented, had there been a less number of this class committed, but as it is, the lives, not only of the Inspectors, have been endangered, but other officers have been exposed. Some of them have been affected, and one of their number has been dangerously ill from this contagious disease, which prevailed in its worst form. This is independent of what the prisoners have suffered, a number of whom have been brought very low by the prevalence of the fever; and here it is but

justice to speak of some of the other prisoners, some of whom might have been regarded as the lowest of the low, and who seemed lost to all sense of that which was good, yet, in this trying emergency, volunteered their services, and nursed their fellow inmates with a will, and with an untiring devotion that speaks well for humanity. However degraded they may have been, yet in their sober moments, they have shown a goodness of heart and a true benevolence which ought not to be lost sight of; some of them exerted themselves for the benefit of their fellows until they were prostrated by the disease.

In this connection we never can forget the enlightened philanthropy and unwearied devotedness of our beloved Inspector, the Honorable JOSEPH R. CHANDLER, who acted in the double capacity, not only as a member of the acting committee of our Society, but also as a Prison Inspector, which latter position gave him the power to order and direct with an *authority* that had to be respected. This circumstance was most fortunate, in this respect, for it enabled him to use the funds of the Society, as well as those of the Prison, if he thought proper to do so, in the purchase of what was necessary for the sick. Although this was the case, he preferred to spend his own money for the *delicacies* which were given, as he said he did not wish to be charitable at the expense of others. He was on hand at all times, day by day, inspecting each and every prisoner committed from time to time, with a view of bettering their condition, very frequently drawing the attention of the Agent to such cases as required his interference. He was there early, and was among the last to leave the prison. His pleasant and agreeable manner of giving advice and counsel was appreciated by all, and was not without its beneficial effects. It was not only cheering to the employees in their arduous duties, but had its beneficial effects upon the prisoners, in their afflictions. He saw that all was done for them that could be done to better their condition. His good judgment and prompt action have not only endeared him to the prisoners whose lives he has been instrumental in saving, but they have challenged the universal admiration of all who witnessed his good management, at the breaking out of the disease, in coöperating with the other Inspectors and the Superintendent in discharging hundreds of

prisoners who had been committed as drunkards and vagrants, that were unnecessarily crowding the prison at the time. This action, together with the orders which he gave to prevent any more women being brought to the female prison where the fever originated, had the desired effect of checking the disease at an early day. (It is a circumstance worthy of note, that the fever originated on the north side of the female prison, so located that the sun does not penetrate the cells.) This timely precaution of thinning the population prevented the spread of the fever, and afforded an opportunity of cleansing the cells and purifying the atmosphere. The result was an abatement of the fever, so that there were not more than about nineteen cases in all out of about five hundred prisoners. Very many of the court cases, which were of a trifling character, were promptly discharged at the time by Judge Allison, with the consent of the District Attorney. This was done at the request of Mr. CHANDLER, who caused to be furnished a list of the names and offences—the attention of the Court having been previously drawn to the subject by the Agent.

Great credit is due to Dr. HENRY Y. SMITH, the Prison Physician, for his skilful treatment of the sick. Under his care and attention they were speedily restored to health.

Mr. SARGENT, keeper of the female department, and the two Matrons, were fearless and efficient in the discharge of their arduous duties—the latter having been sick from the effects of the fever.

Mr. PERKINS, the Superintendent, in conjunction with the Inspectors, did what they could to facilitate all in the discharge of their duties for the relief of the sick.

The following remarks are taken from the "Philadelphia Inquirer" of December 19, 1864. They show that, with the exception of drunkenness, crime has been greatly diminished amongst us :

"Our city was never known to be as quiet as it is at the present time. While other cities abound in raids, murders, robberies and fires, this is almost totally free from crime. But few complaints are made at the Detective office, and the book at that station only receives two or three additions upon its pages daily. It is an unusual circumstance to note the city so quiet at this season of the year.

For months past a heavy robbery is not known to have been committed in the city. This may be attributed to the proper attention to business on the part of the Detectives. Pick-pockets make themselves exceedingly scarce, owing to the ninety-day law. The new hands at the business appear to have gone to other places to operate. The fire department is now somewhat idle. Previous to last Monday, there were a number of fires reported, but since that time there have been but one or two alarms."

By the way of contrast to the peaceful state of things in our city as here stated, we give the following article, taken from the report of the Police Commissioners of New York, as published in the same paper:—"The New York Police Commissioners say in their annual report, 'Probably in no city of the civilized world, not the theatre of actual war, is human life so lightly prized, and subjected to as great hazards from violence as New York and Brooklyn.' " This is a very significant admission. It seems appropriate to the general character of this report, that we here insert the following remarks of the Grand Jury of the October term in reference to the magistrates of our city—who but report in substance what all preceding Grand Juries have said on this subject for years past:

"Many of the bills of a trivial character the Grand Jury were compelled to send to your honorable body for further consideration, because they had no other alternative. This difficulty, which has doubtless perplexed preceding Grand Juries, clearly lies with the committing magistrates, who in many instances advise a prosecution, and then fail to inflict upon the defendant the full measure of justice which he has the power to enforce; and while many trifling bills are allowed to come before the Grand Jury, it is their opinion, from the indications of the evidence before them, that many cases of a higher grade of offence are settled by magistrates that should be returned to your honorable court."

The Agent, in reviewing his labors for the past year, is deeply impressed with the belief that they have been productive of far more good than those of any previous year, as they have accomplished some important reforms which seem to be of a lasting character, the particulars of which can be found in the Agent's Journal,



and are elsewhere partially alluded to in this report. The magnitude of these reforms have been appreciated by those in authority who have sanctioned his efforts in counteracting the doings of bad men who had conspired together to oppress prisoners one of which is partially connected with the following case. The official position of these men, accompanied by their cunning and cupidity, gave them such a power as to enable them to extort money from their victims with perfect impunity, and this being done with the aid of counsel, it required some nerve and energy, on the part of the Agent, to counteract their nefarious plans, and to rescue their victims from their grasp. It however was accomplished by your Agent, who on one occasion informed the Inspectors of the Prison of a custom which had existed for years, wherein parties had been arrested and imprisoned by certain officials, for no other purpose, as the Agent believed, than to get their money from them. They would scarcely be in prison before counsel would appear and offer to get them released for an exorbitant consideration. One of these cases was that of a colored soldier, who was in possession of \$350, most of which he had received as bounty for volunteering as a soldier. He was a stranger in our city, and was placed by his superior officer in a certain position in charge of a deserter. While he was doing this, in obedience to orders, an official, not connected with the military, peremptorily ordered him to leave the spot, where his commander, who was then absent, had placed him. As he believed he was not bound to obey the latter order, he remained upon duty. The consequence was he was knocked down, badly beaten, the deserter allowed to escape, and himself dragged off to prison, where counsel was sent to him, who asked, as he says, \$250 to get him out of the difficulty.

At this visit the counsellor also called upon another prisoner, who had been imprisoned by the same party, and charged with an imaginary assault and battery, which there was no satisfactory evidence had ever taken place. The official who had him in custody at the time of his arrest, put his hand into the prisoner's pocket and took \$250 from him by force, and then suffered him to be committed to prison for no real offence. This was scarcely done, when this very official, accompanied by the same counsellor, came to the prison and succeeded in getting the prisoner to give him an order for \$100 of

this money for getting him out of prison, which the agent could have speedily effected without cost, as it did not appear he was guilty of any charge. When they had accomplished this,—which was a sample of many similar transactions which had occurred on previous occasions,—the Agent thought it was about time for him to interfere, and if possible, stop that kind of imposition, which was being carried on under color of law, which he promptly did by saying to the colored man who had been so badly beaten, that he would at once procure his liberty, without any charge whatever. The Agent brought the case before the Court, when the soldier was honorably released, there being nothing against him, and he returned to camp for duty. When this was accomplished, the Agent informed the Prison Inspectors of these two cases, and asked for an investigation upon the subject. This request was complied with, when the Agent proved the facts by several witnesses. After this an order was issued by the Superintendent of the Prison, which excluded magistrates and police officers from visiting the prison; and in this way they were prevented from tampering with the prisoners; nor could they be admitted without a special order from the Mayor, giving a good reason that their visit was for a proper purpose. The same officer of the prison also issued an *order* preventing members of the bar from hereafter visiting prisoners until the prisoner could be seen for the purpose of ascertaining whether he had sent for the counsellor to serve him, and if he had not, he was not to be allowed to see him, as all such cases were to be attended to by the Agent. This management effectually put an end to this infamous business; and while this interference discomfited the parties, it not only incurred their displeasure because they were foiled in their attempts to extort money from the unfortunate prisoners, but gave rise to a vindictive opposition to the Agent's efforts, which resulted in rendering themselves supremely ridiculous.

Difficulties occurred in consequence of the Guardians of the Poor adopting certain resolutions that were calculated to prevent the Insane from being sent from the Prison to the Almshouse. These difficulties were overcome by the Agent drawing the attention of the Prison Inspectors to the subject in the annexed report, which gives the particulars that resulted in the Inspectors declining to

acquiesce in the resolutions adopted by the Guardians. The order was then given to send all such insane paupers to the Almshouse, with a copy of the law which gives the Inspectors the right to send them without answering the questions as were required to be answered in the resolutions adopted by the Guardians—a detailed account of which will be found in the appendix.

In consequence of a difference of opinion having arisen between the Agent and the Superintendent of the Prison, in reference to the right of having a prisoner released from costs, the City Solicitors opinion was asked upon the subject, in connection with the following case, which was given by the Agent to the Inspectors in his monthly report, October 18th, 1864. Among the prisoners released through the interference of the Agent, was a colored man who had been tried for Assault and Battery, convicted and sentenced to one years imprisonment, and to pay the costs of prosecution. The sentence did not require him to be put to *labor*, but he expressed a willingness to work for his support, instead of remaining in idleness at the expense of the county. His request was complied with in this particular, and he was taken to the north side for employment, and worked faithfully, until the end of the term of his imprisonment. As he had been a good prisoner, was poor, and had a family to support, his keeper became interested for him, and asked your Agent to endeavor to get his costs taken off. The Agent consulted the Superintendent upon the propriety of making an application to the Court, to have the prisoners costs remitted, thereby saving him an extra month's imprisonment. The Superintendent declined to give his consent to the Agent, that any such application should be made, saying at the same time that no one had a lawful right to release the prisoner from costs, not even the Court itself. The Agent believing the Court had the right, and entertaining a different opinion from that of the Superintendent upon the subject, and as he thought the prisoner might be at once released under the circumstances, went to Dr. Shippen, an Inspector, and consulted with him in reference to the case. The Doctor instructed the Agent, to go into Court, and ask for the discharge of the prisoner, which was cheerfully given. The Agent placed it in the hands of the Superintendent, who ordered the prisoners discharge, and in this way he was released from the costs.

As the above is but a sample of other cases which occur almost daily, and which cause undeserved suffering, by persons being detained in prison for thirty days, at the expense of the county, for the payment of costs they are utterly unable to pay, to the Sheriff, District Attorney and Clerk, who claim these costs as their fees, with the exception of a small sum, which goes to the county, and as these officers had already received their costs from the City Treasury, the Agent could not see the necessity or justice of detaining the parties in prison, for costs they were unable to pay; and as he thought the Inspectors had full authority given them by law, to release all such parties when they thought proper to do so, he inquired into the law upon the subject. It resulted in the City Solicitor giving his opinion that showed the Inspector's had a right to release prisoners from costs. The particulars on this subject will be found in the appendix.

The economy and good management of the Prison on the part of the Inspectors, continue to give universal satisfaction. The actual expenses of the Prison for the year being but about \$88,000.

The long experience of the Superintendent, WILLIAM B. PERKINS, in prison management, has enabled him to keep up such a discipline in the control of the prisoners as meets with general approval.

The moral instruction given on the Sabbath under the supervision of the Agent, by the clergy of different denominations, continues to be satisfactory. Many of the discharged females were taken by the Agent to the Howard Home and the Rosine Asylum, where they receive instructions in the various branches of Industry. These excellent Institutions continue to accomplish much good. The Insane sent to our Prison from time to time, have been speedily disposed of and removed to the Insane Asylum, at Blockley, where they will be properly cared for. The number committed during the year was 39.

Letters have been written for the prisoners when required, and over 500 have been mailed and sent to their friends. In the case of discharged convicts, a class needing sympathy and help the Agent has as heretofore, specially interested himself, in numerous instances supplying them with articles of clothing, money and other needful items from the funds of the society and often providing them with tempo-

rary homes, or, obtaining self-supporting employment; he has secured railroad tickets for numbers who wished to go to their distant friends.

In Governor Curtin's message, January 4th, 1864, in referring to a certain class of prisoners, he shows a benevolence and enlightened philanthropy which will be appreciated by all right minded persons, familiar with the working of our prison system; for particulars on this subject see appendix. The suggestion of the Agent in his last Annual Report, which referred to the meagre salaries that the Judges of our Courts were receiving; it is gratifying to know that since that period, the Legislature have passed a law increasing their salaries from \$2,800 to \$3,500. Even this sum is not an adequate compensation in view of the magnitude of their labor. The Prison Inspectors in their Annual Report to the Legislature, February 1864, in alluding to the labors of the Agent say, "The Board dwell upon the necessity of reform in our Magistracy, for their experience with its working, has impressed them strongly with the evils of the system. The pages of the Journal of our Prison Agent, would satisfy any who desire enlightenment upon the subject of the injustice, iniquity and corruption which attend the so called administration of criminal justice amongst us. Indeed the duties of this officer are chiefly designed to abate and restrain oppressive and illegal acts on the parts of Committing Magistrates. The Prison Agent, Mr. WILLIAM J. MULLEN, has been faithful and earnest in his peculiar duties. The board are satisfied that this officer accomplishes a great amount of good, and they bear cheerful testimony to his unabated zeal, energy and discretion."

An article explanatory of the labors of the Agent taken from the last number of the Journal of the Prison Society, may be interesting to those who feel an interest in his labors and will be found in the appendix.

The continued approbation of the press, and of the Judges of the Court, as well as that of his fellow citizens, inspires the Agent with thankfulness, and encourages him to proceed with the good work.

In concluding this Report the Agent desires to express his thanks to the Society, and to your Committee as well as to the Inspectors of the Prison for their kind co-operation and support, and council

which has enabled him to discharge the duties assigned him, in a way that he trusts has been satisfactory to all good citizens.

While sickness and contagion have been in our midst, the Agent has, through mercy, been spared by a kind Providence, as he hopes to continue his labors with renewed energy; relying upon Divine guidance at all times, to direct him to do right in order that his labors may be productive of good.

All of which is respectfully submitted for your approval.

WILLIAM J. MULLEN,

*Prison Agent.*

## SCHEDULE,

*Showing the number of cases discharged from the Philadelphia County Prison from January 1st, 1864, to January 1st, 1865, through the influence of W. J. MULLEN, Prison, Agent, their further detention not being deemed necessary, as it did not appear, upon investigation, that they were guilty, or if so, as was the case in some instances, the punishment they had already received being regarded as sufficient.*

| OFFENCES.                  | January.   | February.  | March.     | April.     | May.       | June.      | July.      | August.    | September. | October.  | November. | December. | TOTAL.       |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-----------|-----------|-----------|--------------|
| Assault and Battery ...    | 13         | 15         | 28         | 29         | 35         | 57         | 43         | 24         | 37         | 31        | 31        | 23        | 366          |
| Misdemeanor.....           | 34         | 32         | 33         | 48         | 32         | 36         | 21         | 43         | 15         | 17        | 20        | 21        | 352          |
| Assault and Threats.....   | 53         | 33         | 59         | ...        | 59         | ...        | 60         | ...        | 43         | 12        | ...       | ...       | 266          |
| Larceny.....               | 18         | 17         | 15         | 13         | 11         | 26         | 12         | 16         | 22         | 16        | 18        | 13        | 197          |
| Malicious Mischief.....    | 6          | 4          | 2          | 6          | 4          | 6          | 1          | 1          | 4          | 2         | 4         | 6         | 46           |
| Disorderly House.....      | 2          | 6          | 5          | 10         | 5          | 2          | 4          | 6          | 2          | 5         | 4         | 4         | 55           |
| Desertion.....             | ...        | 2          | 1          | 3          | 1          | ...        | 1          | 1          | ...        | 1         | ...       | 2         | 12           |
| Abuse.....                 | 5          | ...        | ...        | ...        | 5          | ...        | 5          | ...        | 4          | 10        | ...       | 1         | 30           |
| False Pretences.....       | ...        | ...        | ...        | ...        | ...        | ...        | ...        | ...        | 1          | ...       | ...       | ...       | 1            |
| Absconding Apprentice..... | ...        | ...        | 1          | ...        | 1          | ...        | ...        | 1          | ...        | ...       | ...       | 1         | 4            |
| Concealed Weapons.....     | ...        | ...        | 1          | ...        | 1          | ...        | ...        | ...        | ...        | ...       | 2         | 1         | 5            |
| Assault.....               | 2          | ...        | ...        | ...        | 1          | ...        | 1          | ...        | ...        | ...       | ...       | ...       | 4            |
| Nuisance.....              | 3          | ...        | ...        | ...        | 2          | ...        | ...        | ...        | ...        | ...       | ...       | ...       | 5            |
| Abuse and Threats.....     | 1          | 1          | ...        | 59         | 21         | 6          | ...        | ...        | ...        | 14        | ...       | ...       | 127          |
| Threatening.....           | ...        | 5          | ...        | ...        | ...        | ...        | ...        | ...        | ...        | ...       | ...       | ...       | 5            |
| Conspiracy.....            | ...        | ...        | ...        | 2          | ...        | ...        | ...        | ...        | ...        | ...       | ...       | ...       | 2            |
| Riot.....                  | ...        | ...        | ...        | ...        | ...        | 1          | ...        | ...        | 2          | ...       | 5         | ...       | 8            |
| Bastardy.....              | ...        | ...        | ...        | ...        | 1          | 1          | ...        | ...        | ...        | ...       | ...       | ...       | 2            |
| Suspicion of Larceny....   | ...        | ...        | ...        | ...        | ...        | 1          | ...        | ...        | ...        | ...       | ...       | ...       | 1            |
| Corner Lounging.....       | ...        | ...        | ...        | ...        | ...        | ...        | ...        | 2          | ...        | ...       | ...       | ...       | 2            |
| <b>Total .....</b>         | <b>137</b> | <b>116</b> | <b>145</b> | <b>172</b> | <b>157</b> | <b>151</b> | <b>137</b> | <b>100</b> | <b>99</b>  | <b>97</b> | <b>93</b> | <b>98</b> | <b>14,90</b> |

## APPENDIX.

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The difficulties that occurred in consequence of the Guardians of the Poor adopting certain resolutions that were calculated to prevent the Insane from being sent from the Prison to the Almshouse, were overcome by the Agent drawing the attention of the Prison Inspectors, in a report of which the following is the substance, that resulted in their declining to acquiesce in the resolutions adopted by the Board of Guardians. The order was then given to send all such insane paupers to the Almshouse, with a copy of the law giving the Inspectors a right to send them without answering the questions set forth in the resolutions. After this, insane prisoners were sent, and received by the Guardians without the questions being answered. The annexed Extracts, taken from the Agent's Report to the Inspectors, September 12th, give the particulars upon this important subject. Out of the number of cases released during the past month, there were ten suitable subjects for the Almshouse. Most of them had been previously inmates of that Institution, and had either eloped or been discharged, and afterwards picked up by the Police and sent to prison for various offences. Through the Agent's instrumentality they were discharged, on condition that they be sent back to the Almshouse. Six of the number were insane, and the Prison Physician gave the Agent a certificate to this effect. They were homeless paupers, whose physical condition prevented them from making the necessary application in person for an order to admit them into the Almshouse, the benefits of which Institution they were undoubtedly entitled to. In view of these facts the Agent felt it to be his duty to address the Guardians of the Poor, asking for an order to admit them into their Institution. An application



was accordingly made, August 5th, and was opposed by a member of the Board, who questioned the right of the Inspectors to send *prisoners* to the Almshouse to mingle with the moral poor. Your Agent was present at a meeting of the committee at the Almshouse, August 23, that had charge of the application, when he called their attention to the law giving Inspectors the right to send Vagrants and Paupers to their Institution. The committee were distinctly informed that no application would be made, *unless* the parties were unable to apply personally. This statement was satisfactory, and the committee informed your agent that they would report in favor of his request to admit the parties, subject to the President's approval. An order was at once given to the Agent to admit into the Institution the persons named in his application. On Monday, September 5th, the Agent sent another application to the Board of Guardians, asking the admission of four persons into the Almshouse who had been released by the Court on the condition that your Agent saw that they were sent to that Institution. Of this number three were insane and had previously been in the Insane Department, a fact not known to the Court at the period of their trial. One of these was a woman well known at the Almshouse, but so violent that Dr. Butler, the Physician, made a special notice regarding her, remarking that she was an "incorrigibly bad woman"—a description fully verified by her conduct in jail. Another of the number was a colored man, so violent that he had to be chained and handcuffed—while a third tried to commit suicide, by hanging, in prison, his life only being saved by the keeper discovering his situation in time. The fourth case was a woman released by the Court in consequence of her severe sufferings from an inflammation of the limb. The committee on out-wards, that had charge of the application, made a report to the following effect: That before admission could be granted hereafter, or a transfer be effected of prisoners from the County Prison to the Almshouse, the Inspectors were required to furnish their authority for sending them. First, in the case of insane prisoners, they required a copy of the commitment and sentence, a detailed report from the Physician, stating the fact of insanity, his observations on the case, its probable cause, matters of history relating to their antecedents, and the names and residences of the

parties' relations and friends. Second, as regards persons not insane, they required a copy of the commitment or sentence, how often and for what crime, and all matters pertaining to the history and habits of such parties, a certificate from the Physician as to their health, and if diseased, the nature and probable cause of the disease. Your Agent, for ten years, has been instrumental in sending such cases to the Almshouse, and by his construction of the law on the subject, has felt himself fully equal to the task. During this time three difficulties have occurred. One was the refusal of the Guardians to take small pox cases. They maintained that the duty devolved upon the Board of Health, who in their turn shifted the onus upon the Board of Guardians. The Agent immediately appealed to Judge Ludlow, who summoned the Presidents of the Inspectors of the Prison, the Board of Guardians and the Board of Health, to appear before him in court within an hour. These gentlemen obeyed the summons, and it was then arranged that the difficulty should be compromised by the prisoners being taken in charge by the Board of Health, their expenses to be paid by the Guardians of the Poor. Not long after this the Guardians refused to take any cases whatever from the Prison. They did this after having consulted with Mr. Lex, the City Solicitor. The Agent immediately waited on Mr. Lex, and called his attention to the law, which does expressly give the Inspectors the right in question, as found upon page 11 in the Digest of the Laws Relating to the Philadelphia County Prison. It is as follows :

“All persons who may be convicted according to the existing laws of this Commonwealth, before the Mayor, Recorder, or any Alderman of the city of Philadelphia, or before any Alderman or Justice of the Peace of the County of Philadelphia, as a vagrant or disorderly person, shall be sentenced to suffer separate or solitary confinement at hard labor in the Philadelphia County Prison for the term of one month, and be fed, clothed and treated as convicts in said prison are directed to be fed, clothed and treated. *Provided,* That the Inspectors may discharge persons committed as vagrants and disorderly, or send them to the House of Employment of the Almshouse, there to be dealt with according to the provisions of the fourteenth section of the Act passed the fifth day of March, 1828,

entitled ' An Act for the relief and employment of the Poor of the City of Philadelphia, the District of Southwark, and the Township of the Northern Liberties.' "

After he had read this law, he caused the Guardians to reconsider their former action, and they agreed to receive all cases as heretofore, subject to the approval of their President, who was required to visit the prison and make personal investigation. This worked well for a time, for in no instance, in which your Agent asked for their admission, were they refused. They did not even object to take the several insane murderers that had been sent back to the Prison from the State Asylum at Harrisburg—all were taken without requiring the answering of the many difficult questions propounded, and which properly belong to their own out-door agent to inquire into. We only know of the facts connected with their imprisonment, which have always been fully given as far as we knew, when we made an application for their transfer. If the Guardians desire more minute inquiries, it is surely the province of their own officer to make them, without entangling us with questions out of our power to answer, and which would probably give rise to difficulties that would result, in many instances, in excluding insane persons, vagrants and others, who are legally entitled to enter their Institution as paupers.

Since the above was written your Agent has received a communication from the Steward of the Almshouse, enclosing an order from the Committee of Out wards, which admits the above named persons referred to in the Agents application.

Soon after this, five proper subjects for admission to the Almshouse were selected and sent from the Prison, and upon the usual application being made, admission was granted in the same manner as heretofore, without answering the many questions required in the resolutions.

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#### REMARKS IN REFERENCE TO RELEASING FROM COSTS.

In the question as to the right to release a Prisoner from costs under certain circumstances, the Agent found the authority for the

Inspectors to act, in a law enacted upon April 18th, 1857, P. S. 257, which reads as follows :

“The provisions of the first section of an Act to Reform the Penal Laws of this Commonwealth, Approved January 17th, 1831, and the same are hereby extended to the Philadelphia County Prison, and the Board of Inspectors thereof are hereby authorized to discharge from Prison *any convict*, who may have served his or her term of imprisonment, in the same manner, and upon the same conditions as in said Act, provided in regard to the State Penitentiaries.”

The above law is found in Purdons Digest, page 508, section 35, and the law of January 17th, 1831, is found in the same book, page 791, section 26. After the Agent had examined this law, he became fully satisfied that it applied to *all convicts*, to Assaults and Batteries, and Misdemeanors of all grades, as well as to felons. As the Agent could not see the justice there would be in any law which would allow the Inspectors to give a preference to Burglars, Assassins and Thieves, over persons who may have been convicted for the less offence of Assaults and Battery, Misdemeanor &c., which may have been committed in moments of excitement, without any criminal intent. Numerous cases have come to the knowledge of the Agent of great suffering, and sacrifices of personal property, consisting of wearing apparel, furniture, &c., which have been disposed of, or pawned by the friends or families of such prisoners to get money to pay the costs of officers of the Court, who had already received their pay in these cases, not one dollar of which would be likely to find its way to the Treasurer, even if paid by the prisoner. Notwithstanding all this, the officials of the Prison were unanimous in the belief that the Inspectors had not the right, by law, to release prisoners from costs who had been sentenced for Assaults and Batteries and other slight misdemeanors, and who had not been required to labor. In view of this state of things, the Agent in the discharge of the duties assigned him, regarded it as proper to obtain the opinion of the City Solicitor upon the subject, a copy of which opinion is given below. The Agent has submitted this opinion to Judges Thompson and Allison, both of whom have seen it and approved of it. They, like him

believe that the Inspectors have the right to take the costs off the lesser as well as the greater offences. Should the Inspectors agree with the City Solicitor, and with the Judges in this decision, and cause the costs in such cases to be released in future, when they deem it proper to do so, the Agent is sure it will gladden the heart of many a poor prisoner, whose family will rejoice to see him a month sooner than would otherwise be the case.

PHILADELPHIA, *October 5th*, 1864.

To W. J. MULLEN, *Prison Agent*,

DEAR SIR:

I have received your favor of to-day and have carefully considered the question propounded by you, viz: "whether under the Act of April 17th, 1857, Purdons digest, page 253, section 35, the Inspectors of the Prison have the right to discharge persons convicted of Assaults and Batteries and other misdemeanors without costs."

The section of the law referred to by you, gives to the Inspectors of the Philadelphia County Prison, power to discharge from Prison any convict who may have served his or her term of imprisonment in the same manner, and upon the same conditions as provided in the Act of January 17th, 1831. Purdons Digest, page 791, section 26, gives to the Inspectors of Penitentiaries, authority to discharge every convict who may have served out the term of imprisonment, notwithstanding such prisoner may not have paid the costs \* or any fine \* \* or restored the property stolen \* \* if in the judgment of the Board of Inspectors such person is unable to pay or restore the same. I am therefore of the opinion that the power of the Board to discharge is in no way qualified or affected by the grade of the offence, whether misdemeanor or felony for which the prisoner may have been convicted; but this right of discharge extends in the language of the Act of 1857, to *any convict* and in the language of the Act of 1831, to *any convict* who may have served his or her term. You will of course understand, the law requires the Board to be satisfied that the prisoner is unable to pay the fine or restore

the property, and that no discharge can be granted until the prisoner shall have exhibited duplicate schedules of all of his property as required by law.

I am very respectfully yours,

F. CARROLL BREWSTER.

*City Solicitor.*

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### QUESTION OF JURISDICTION IN THE CASE OF A UNITED STATES PRISONER.

There was a case of a young colored man from Allegheny county, whose release was obtained by the Agent from the United States District Court by a writ of Habeas Corpus. During the seven months he was in prison, he has been twice before the Court of Quarter Sessions upon a writ of Habeas Corpus, and also twice before the United States District Court, a similar writ being issued both times, his case was a complicated one, it being a question in the minds of the Judges as to whether they had jurisdiction in the premises. The offence, if having been committed at all, had taken place in Allegheny County, Western District of Pennsylvania. The Judge of the Eastern District, after several different hearings dismissed the writ, being of the opinion that he had no power to adjudicate in the premises, the detainer having been lodged by the United States Commissioner of Allegheny County. When the Agent had him brought before the Judge of the County Court, upon a writ of Habeas Corpus, to have him discharged upon the two term rule, that wisely provides under our State Law for the discharge of all prisoners that have remained in prison four months without trial. The Judge expressed a wish that the case might be disposed of by the United States District Court, as he seemed to doubt the propriety in giving a decision on the subject. The Agent had the prisoner immediately taken up into the United States District Court, and applied for a writ of Habeas Corpus, which was granted, and made returnable immediately. The case was again heard, and the prisoner discharged on his own bail, notwithstanding the Judge had, on a previous

occasion decided he had no jurisdiction in the case. The prisoner was accused of perjury, of which he was certainly not guilty in a legal sense. He had entered the army at the earnest solicitation of a Recruiting Officer, without taking the oath which it was alledged he had taken; it was afterwards proved by his mother that he was a minor. He was then discharged by the Court of Quarter Sessions on account of being under age, but re-arrested by the authorities of Allegheny County. If it had not been for the strenuous efforts on the part of the Agent, there is no knowing how long this young man might not have remained in prison, (he was incarcerated eight months as it was.) There being no two term rule, or any other provision in force in the United States Courts for the discharge of such prisoners. The authorities of Allegheny County declining to prosecute, would give no answer to the letters written by the United States District Attorney in this city, who demanded of them to say what action they wished to be taken in the case. This refusal to answer caused the difficulty as they did not prosecute the case.

The Agent obtained a discharge from the Court for a poor woman who was committed upon the charge of larceny, by getting the Grand Jury interested in her behalf. After her case was fully explained to them, the bill was ignored, she having been in prison about four months waiting for her trial. Her case was a peculiar one, that was not understood until the Agent fully investigated it—she not having explained the circumstances of her arrest before. It appeared that she was accused of stealing \$57. She was employed one or two days in each week in the house of the woman who had lost the money. The loser was careless, and in the habit of leaving her money lying about. The prisoner had often found her pocket-book and given it to her when it contained forty or fifty dollars. These actions satisfied the party who had lost the money that the prisoner was honest. When the money was stolen the owner did not regard the prisoner as the guilty party, and would not have her arrested. A female in the house, a sister to the loser, sued her, and had her unjustly and improperly imprisoned. Soon after this the prosecutor fled and left the city, taking with her (no doubt) the stolen money, as the owner of the money had all along suspected her. Three distinct notices were sent at different times by an officer

of the Court to the owner of the money, threatening her if she did not appear against the prisoner they would put \$7.59 costs upon her. This threat was as unjustifiable as it was illegal, as there is no law justifying the placing of costs on a witness in case of felony. As the lady did not believe the prisoner guilty, and as she had never been a witness in the case, and did not wish to be, she refused to appear, the result of which was the poor girl remained in prison four months, until the Agent obtained her release by having the case ignored by the Grand Jury, who had seen her in prison and sympathized with her. These illegal and improper notices, issued by an officer of the Court, threatening to put costs upon the witness in felony cases, not only defeat the ends of justice, but are likely to cause innocent persons to be convicted, and may be one reason why 2,429 true bills were found by the Grand Jury within the last year, while but 329 were found guilty when put upon trial, the remainder of the charges being groundless. These notices frighten the witnesses, who fear that the costs will be put upon them, or that they will be prosecuted for perjury, and the consequence is that they go before the Grand Jury and swear the case through to save themselves, which may be one cause why so many true bills have been unnecessarily found every year. In this case the investigation justified the belief that the prosecutor was the thief, and that she had taken the money from her sister, and unjustly instituted the suit against the prisoner to avoid suspicion of having taken it herself, and then left the city with the stolen money, which facilitated her in her flight. The prisoner was detained in prison four months, simply because the prosecutor could not be found.

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### THE RIGHTS OF MAGISTRATES INTERFERED WITH.

The following important opinion by the City Solicitor is contained in the Agent's Report, presented to the Prison Inspectors November 14th, in reference to an order sent by the Clerk of the Court to the Superintendent of the Prison, requesting him not to honor the discharge of any magistrate which would release prisoners at any time within ten days previous to the commencement of the term of the



Court. As the Agent believed this order to be illegal and improper, and as it rendered the Agent's services inactive during the above-named period, he determined to obtain the opinion of the City Solicitor upon the subject, as to the legality of the order. The following report contains the correspondence upon the subject, together with the Solicitor's opinion, which shows that the *order was illegal*. The order has since been rescinded by the Clerk of the Court, at the request of the District Attorney, who acknowledged the right of the magistrates to discharge Assaults and Batteries, and other misdemeanors of slight grade, at any time previous to the commencement of the term.

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NOVEMBER 14TH, 1864.

TO THE BOARD OF INSPECTORS OF THE PHILADELPHIA COUNTY PRISON.

GENTLEMEN:

The Agent would respectfully inform you, that he has within the last month effected the release from prison of 105 persons, many of the cases were of an interesting and remarkable character, the particulars of which must be omitted for the present, to give place to a much more important subject, which the Agent wishes to lay before the Board.

It is that of an order issued on the 24th of September 1864, by the Clerk of the Court, at the instance of the District Attorney, which was promptly complied with and acted upon, as was seen on the day when the Agent came to the prison with several discharges for prisoners, whose cases had been legally settled by the magistrates, with the consent of the prosecutors. Their cases were Assault and Battery and other slight offences or misdemeanors, and none of which had been committed for felony. The Agent was informed by the deputy Superintendent, that the parties could not be released in consequence of the order of Court which had been issued at the instance of the District Attorney. The consequence was that the Agent had to return the discharges to the magistrates and inform

them that the Superintendent had refused to honor their discharges, and release the prisoners, and that they would have to make returns of these cases to the Court, and in the meantime the parties had to be unnecessarily detained in confinement until the next term of the Court, when their cases would be regularly disposed of, and the parties would be acquitted. This could not be done however without materially increasing the expenses of the Court in a useless prosecution of cases which had already been lawfully and properly settled. As the Agent could not understand how any good could come from such an order, and as he believed it to be illegal and improper, and as he thought it was doing a great wrong to the prisoners as well as to the magistrates of the city, whose legal rights had been improperly interfered with, by this order of the District Attorney, he concluded that it could not have met the sanction of the Court. He accordingly went to Judge Ludlow who presided over that term of the Criminal Court, and consulted with him on the subject. He said the order had not been issued by his authority, and that he had never heard of it before. He referred the Agent to Judge Thompson for *his* opinion in reference to the order, who read it, and pronounced it all wrong; he said that magistrates *had* a right at any time to discharge Assaults and Batteries and other slight offences not felonies, when a bill of indictment had not been found, and that it was the duty of the Superintendent to receive the order of the magistrates in such cases. As this was the first time that any such order had been issued by the Court, or by any District Attorney that the Agent knew of, and as it was calculated to render the services of the Prison Agent and those of the City Magistrates inactive for sixty days in the year, and as it would greatly increase the expenses of the city, and unnecessarily occupy the time of the Court in uselessly trying cases that might otherwise have been settled, and as this was inaugurating a new state of things in the administration of justice, which would be taken as a precedent for further action that would prevent Magistrates from discharging prisoners within ten days previous to each of the six terms of the Court in the year. In view of all this the Agent obtained the consent of Dr. Shippen, an Inspector, who authorized him to obtain the opinion of the City Solicitor, in reference to this order, which was issued by the Clerk of the Court. This officer,

(the Solicitor,) has given his opinion upon the subject in answer to a communication addressed to him by your Agent. This opinion has been submitted to Judge Thompson, who has read it, and believes it is correct, and that it contains a proper view of the law upon the subject, and that the Superintendent is in duty bound to respect the order of the Magistrates in all such cases as are alluded to by the Solicitor, and which are not felonies. It has been submitted to Judge Ludlow, who also approves of it. After this had been accomplished, the Agent submitted the opinion of the City Solicitor to the District Attorney, William B. Mann, who had caused the objectionable order to be issued, when the power of the Magistrates was discussed, and their rights as set forth in the opinion of the City Solicitor acknowledged, who got him to instruct the Clerk of the Court to address a second communication to the Superintendent of the Prison, in which he completely neutralizes this first order, by saying that the order was "Not intended to apply to cases of Assaults and Batteries, or Assaults or other petty charges, which *the parties have the power to settle* before the Alderman, but was intended for cases of felony, and other serious crimes, &c.," which serious charges could not be, and never had been interfered with by the Prison Agent, but are *always* returned by the Magistrates to be settled by the Court. I enclose a copy of the two orders of the Court, accompanied by the opinion of the City Solicitor, together with an article cut from the Public Ledger upon the subject. This timely explanation of the District Attorney, obviates the necessity of appealing to the Supreme Court for its decision upon the subject, as might have otherwise been the case.

All of which is respectfully submitted for the approval of the Inspectors.

WILLIAM J. MULLEN, *Prison Agent*.

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PHILADELPHIA COUNTY PRISON, *October 27th, 1864.*

To F. CARROLL BREWSTER, ESQ., *City Solicitor*.

RESPECTED SIR:

The undersigned has been instructed by Dr. William Shippen,

an Inspector of the Philadelphia County Prison, to obtain the opinion of the City Solicitor as to the legality of an order issued by the Clerk of Quarter Sessions, September 24th, 1864, which order was issued at the instance of the District Attorney of the City of Philadelphia. The order requests the Superintendent of the Prison, William B. Perkins "to receive *no* discharge for prisoners within ten days of the term to which they are held to answer." As this order has caused much unnecessary suffering, by detaining prisoners in confinement, who might have otherwise been released had the Magistrates been allowed to settle cases of Assault and Battery, slight misdemeanors, &c., and where the parties had not been committed for felony. The Magistrates of our city claim the right by law to settle all such cases of Assault and Batteries and Misdemeanors, with the consent of the prosecutors, and the parties concerned, all such cases which may have been committed previous to the commencement of the term of the Court. They believe that they have a lawful right to hear these cases, to commit the parties to prison, *within* the ten days previous to the commencement of the term of the Court; to take bail, or settle cases and discharge the parties from prison; and they also believe that the District Attorney has no legal right to interfere with their interests in the settlement of the cases alluded to, and which may have been committed within the above mentioned period. The Magistrates know that they are required by law to make a return ten days previous to the commencement of the term of Court, of all cases which they have no right to settle, such as Felonies and charges of such magnitude as require that they be disposed of by the Court. While they feel bound to comply with the law in this respect, they do not think it right for the District Attorney to require the Jailer to refuse to receive discharges for prisoners, such as referred to, whose cases have been settled, and have not been discharged in consequence of the Superintendent of the Prison refusing to release them, as requested by the District Attorney. The unnecessary detention of these persons will not only cause unmeritted suffering to them and their families, but will greatly increase the expenses of the city for their maintenance while in prison, as well as the cost of their trial in Court, at which time they will be unquestionably acquitted, and the costs put upon

the county, as has already been the case in numerous instances, all of which has occurred through the interference of the District Attorney inducing the jailer to refuse to honor the Magistrates discharge, of a prisoner who may have been committed for Assault and Battery, or such misdemeanor as Magistrates have a right to settle. They certainly have a right to finally dispose of further hearing cases, where the parties may be held unjustly. The opinion of the City Solicitor upon the subject is respectfully asked.

I remain .

Very respectfully,

W. J. MULLEN,  
*Prison Agent.*

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October 31st, 1864.

W. J. MULLEN, Esq.,

No. 212 South 5th Street, Philadelphia.

DEAR SIR:

Your favor of the 27th inst., was not received by me until this morning.

I will consider the subject and give you my opinion thereon at the earliest possible day.

I am with great respect,

F. CARROLL BREWSTER.

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November 2d, 1864.

W. J. MULLEN, Esq.,

*Prison Agent,*

No. 212 South 5th Street, Philadelphia.

DEAR SIR:

Your favor already acknowledged of 27th, in which you say "that you have been instructed by Dr. William Shippen, an Inspector of the Philadelphia County Prison, to obtain my opinion as to the legality of an order of September 24th, 1865, issued by the Clerk of

Quarter Sessions, at the instance of the District Attorney, requesting the Superintendent of the Prison, William B. Perkins, to receive no discharges for prisoners within ten days of the term to which they are held to answer." I have given the question thus presented careful consideration.

I am in some doubt as to my assuming an advisory capacity on this subject. I fear that it may be beyond the scope of my municipal functions, to seek even to give my opinion to contra the administration of criminal procedure in this county; but as I should represent the Prison Inspectors in the event of a conflict of duty between themselves and the District Attorney, I have determined to submit my opinion, desiring that you will cause the same to be communicated to the District Attorney, if it should be acted upon by the Board of Inspectors. The power of Magistrates to discharge when properly exercised is absolute, and one, which it is the duty of those who have the custody of prisoners to obey. Its exercise cannot be checked by any officer of the Commonwealth. The power is granted by the 9th Section of the Act of March 3d, 1860, P. L. 432, B. R., in these words: "In all cases where a person shall, on the complaint of another, be bound by recognizances to appear, or shall, for want of security, be committed, or shall be indicted for an Assault and Battery or other misdemeanor, to the injury and damage of the party complaining, and not charged to have been done with the intent to commit a felony, or not being an infamous crime \* \* if the party complaining shall appear before a Magistrate, who has taken the recognizance or made the commitment, or before the Court in which the indictment shall be, and acknowledge to have received satisfaction for such injury and damage, it shall be lawful for the Magistrate in his *discretion* to discharge the recognizance, \* \* \* or in any case, if committed, to discharge the prisoner, or for the Court also where such proceeding has been returned to the Court in their discretion to order a *nol. pros.* to be entered upon the indictment." Under this act the power of a committing Magistrate to discharge, is only defeated by an indictment found against the prisoner. It is true that by an Act of May 8th, 1854, P. Laws, 678; Br. dig. 609, § 124; it is made the duty of Aldermen to return to the Clerk of the Quarter Sessions, all recognizances entered into

before them \* \* \* at least ten days before the commencement of the Court \* \* to which they are made returnable," but that act did not in my opinion affect the power of Magistrates to end cases under laws then existing, and certainly does not interfere with their power under the late act of 1860.

The action I have quoted from this Book of 1860, is reported by the Reviewers of the Penal Code, (Report page 40,) as an extension of the law of March 17th, 1804, 4 s., m. s. 18. This old law has for more than half a century authorized discharges by the magistrates in cases of assault and battery, or for assaults, "either before or *after* recognizance has been entered for the appearance of the defendant before the next Court of Quarter Sessions." It should not be lost sight of, that the great aim of the law is to put an end to litigation. The commitments in these trifling cases are generally the result of the passion of the moment. Much fault is found, in many cases, with our magistrates, that upon the prosecutor's statement, no choice is left but to bind over. Should the law be so construed as to deprive them of all control over the case ten days before each term, it would suspend the Act of 1860 for sixty days in every year, and render your office useless during the same period.

I can see no possible good, but much mischief to result from such a construction of the law.

I am very respectfully and truly yours,

F. CARROLL BREWSTER,

*City Solicitor.*

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When the Agent received this opinion, he submitted it to the District Attorney, who acknowledged the correctness of it, and at once promised the Agent to cause the clerk to issue the following acceptable order, which adjusted the difficulty.

COURT OF QUARTER SESSIONS, CLERK'S OFFICE, }  
*Philadelphia, November 9th, 1864.* }

W. B. PERKINS, ESQ.,

*Superintendent Philadelphia County Prison.*

DEAR SIR :

The District Attorney requests me to say that the communication of September 24th, requesting "that you will receive no discharges for persons within ten days of the term to which they are held to answer," was not intended to apply to cases of assault and battery or other petty charges which parties have power to settle before the Alderman, but is intended for cases of felony, and other serious charges, which neither the Alderman or the parties have the power to settle without the approval of the Court. It was intended to check the growing practice of the Aldermen to compound serious offences, and to discharge without bail, to the manifest injury of public justice.

Cases of larceny, assault with intent to kill, riotous disturbances of the public peace, and others of like character, the Aldermen have no power over, and the District Attorney has determined to have cases returned according to law, in order to have them promptly disposed of by the Court.

Very truly yours,

J. P. GALTON, *Clerk.*

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*(Taken from the Public Ledger, September 27th, 1864.)*

"The Court of Quarter Sessions has made an order which forbids the release of prisoners from the County Prison under commitment for indictable offences, upon a magistrate's discharge, unless bail has been entered, the order to have effect from the day it was issued until the 1st Monday in October. There is an Act of Assembly



which requires magistrates to make return to the District Attorney of all cases heard by them, at least ten days before the first day of the succeeding term, and the order of the Court is intended to aid in the carrying out of that law. It will however prevent the settlement of trivial cases, which the magistrates are so much censured for returning to Court, will swell the fees of the District Attorney, (already very large,) and it will hold in prison persons charged with assault and battery, unless their friends are able to procure their release on bail, and it will also tend to increase the expenses of the County Prison."

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#### THE GOVERNOR'S ALLUSION TO CERTAIN PRISONERS, IN HIS MESSAGE TO THE LEGISLATURE.

"I again call your attention to the expediency of providing for the reception in the Penitentiaries of persons convicted of murder in the first degree, and who may be pardoned on condition of serving a limited time therein. It has become a custom that an incoming Governor should not issue a warrant of execution in cases left unacted on by his predecessor, and it not unfrequently happens that even in cases which are recent, while some punishment should be inflicted, that of death may appear to the Executive to be too severe. The result is, that there are at this time in the various prisons, some eighteen or twenty persons under sentence of death, and who may be there for an indefinite period of time."

This suggestion of the Governor is a move in the right direction, which would certainly be productive of good. There should be legislation on this subject, followed by the enactment of a law such as has been recommended by the Society, that would comply with the suggestions of the Governor, and authorize a commission to visit all the prisons and almshouses in the State, with a view of correcting the abuses that now exist in many of them.

The necessity of such a reform may be seen by the Report of the Society presented to the Governor, and by him transmitted to the

Legislature. These prisons have been visited, and such statistics and facts collected as cannot fail to convince the Legislature of the wisdom and necessity of such action as would be likely to better provide for the insane and others that are imprisoned from time to time.

The condition of one of these prisons is described by the Agent in his official Report of an investigation made by the authority of the Governor, as far back as July 1859, in reference to Pittsburgh Jail. After which the Governor drew the attention of the Congressmen of the district, the Sheriff, and other authorities, asking their interference in behalf of the prisoners. Notwithstanding this, nothing has yet been done to reform the condition of things there. A recent Grand Jury of Allegheny County has spoken out boldly on the subject, and have not only denounced the regulations of the prison, but have described the condition of the prisoners in such a way as to make its management a disgrace to humanity. The Western Penitentiary, located in the same city of Pittsburgh, was officially visited by the Agent about the same time. Its condition was not what it should be. An official officer, in a recent description given of its present management, shows no improvement since the Agent's visit. He says, "I find room for great reform in the establishment. The Inspectors have never had any rules, and they leave the whole management to the Warden, never even investigating if it was done well or ill." We have found a great many abuses, cases of oppression, and general neglect in regard to the physical condition of the prisoners, that is astounding."

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The following is the Agent's letter to the Governor, that describes the visit alluded to above.

PHILADELPHIA, *September 27th*, 1859.

TO HIS EXCELLENCY, GOV. PACKER.

Under the authority given by you to the undersigned, March 28d, 1858, I visited the principal Prisons in the State, and in compliance

with your request, I herein give the results of my visits. All of those which are managed on the separate system (with a single exception,) I found in a praiseworthy condition, especially the Eastern Penitentiary, exhibiting much to be commended in their condition which may be regarded as nearly perfect. This system should if possible, be universally adopted. The necessity of this was seen in an official visit to the Allegheny County Jail, on the 14th of July last. I found confined therein one hundred and twenty prisoners in a most deplorable state; many of them were almost starving. The untried prisoners are allowed by the authorities fifteen cents per day for their food, and the vagrants ten cents. But it seems nine cents of the fifteen and four cents of the ten cents are retained by the Sheriff, as a perquisite. And the sum used for the prisoners is expended on bread, with an addition on Tuesdays and Fridays of about a cent's worth of beef broth.

It appears that five days in the week, the prisoners get no other food than bread and water; and it is said, that out of the sum allowed for their support, the Sheriff makes about \$4000 per year. This large amount is accumulated at the expense of the comfort and health of the poor prisoners who are unable to procure relief from friends outside.

In the Philadelphia County Prison, one at least of the best regulated Institutions in the country, and worthy of being regarded as a model, particularly as regards economy; it has been ascertained, that the least sum which can feed the inmates, so as to keep up their health and strength is  $11\frac{21}{100}$  cents per day.

Their food is of the plainest and cheapest kind, and will serve to prevent scurvy and other similar diseases, and they are required to eat their allowance under the strictest supervision, so that there may be no waste; moreover it has been found by experiments, in this prison, that mere bread and water, which alone can be purchased for six cents a day, or any other one similar article of food must certainly produce ill health and debility in the end. *Here*, therefore the regime is varied; bread and coffee, (or tea,) rice, bread, soup, and meat, molasses, and occasionally potatoes are served out to the prisoners, and the result is, that their health compares well with that of the community at large.

Therefore, to restrict prisoners, as is done in the Allegheny Jail, some of whom wait months for trial, (and one of whom I found had been retained over eight months, and had not yet been tried) to mere bread and water, with the exception of a mite of broth twice a week, seems to me as cruel in morals, as it must be physiologically unhealthful.

This suffering may be ascribed in a great measure, to the fact, that in this prison, as in all others in the State, on the congregate system, there are no Inspectors who are required to see to the condition and wants of the prisoners, and also to report to the Legislature annually, as is prescribed by law in all our prisons. The effect of this latter requisition is to prevent Sheriffs and Jailors from speculating on the prisoners, thereby greatly ameliorating their sufferings.

It strikes me very forcibly, as it must every reasonable man, that officers in any way connected with prisons should never be authorized or allowed to speculate upon, or draw a revenue from the scanty pittance assigned for feeding prisoners, for their self interest, being thus placed in perpetual antagonism to the interest of the prisoners, the weakness of human nature, as a general rule, may be expected to incline the balance in their own favor.

In addition to the facts already stated, I found this prison, besides being ill ventilated and filthy, to be in an extremely disorderly and confused condition. Every cell door was open, and the prisoners had free access to each other, with the opportunity of unrestrained intercourse. I refer to the males. The women were not indeed actually permitted to intermingle with the men, but they were allowed every thing short of that. They might, at pleasure walk round the corridor, in front of their cells, from which they could look down upon and talk with the men. With such means and facilities for reciprocal corruption, both parties must become debased.

Apart from this objectionable feature of the prison administration, it was to me most distressing to see Convicts, Burglars, Murderers, young and old, guilty and innocent, black and white, all having unrestricted access to each others cells, many of whom were amusing themselves by playing cards, smoking cigars, and doing whatever else they chose for passing away the time. For be it noted, the

prisoners have no (regular) employment whatever ; a fact much to be regretted, since leaving economical considerations out of the question, the beneficial effects of steady occupation in some useful labor must be obvious, it being one of the best preservatives, both of the morals and the bodily health.

The precise opposite to all this I found in the Lancaster Prison, where all were employed, even to the vagrants, and where each had a separate cell, yard, and bath tub for his use.

It appears, therefore, that the much approved and admired separate system peculiar to Pennsylvania, is in the Allegheny prison totally disregarded, and the congregate system, which experience has proved wrong and pernicious is flourishing in its highest perfection ; if perfection it can be called. Nor is this the only prison in our State, in a similar condition. If commissioners could be appointed by the Legislature to investigate this subject and suggest a remedy, it could not fail of being productive of great good in both a moral and a pecuniary point of view.

Another objection to the present management of this prison is said to be, that prisoners, even after a full acquittal, may be detained for jail fees ; it being the Sheriff's interest that they should remain there, as he makes a profit from the sum allowed by the authorities for their maintenance. How inexpedient and unwise this is, to say nothing of its manifest injustice must be plain at first sight.

What I have detailed above I witnessed on one of the hottest days in midsummer. The thermometer stood at 90° Fahrenheit, and it was pitiable to see these poor sufferers dissolving in perspiration, and debilitated as they were by inanition, absolutely gasping for the fresh air of Heaven, which by the faulty construction of the prison is denied them ; its rear being shut in by the Court House, and its front by the Jailors Department, leaving only two sides, with very small windows, to supply ventilation. What is the quality of the foul air engendered by prison filth and unpurified by free circulation,

Howard told us ninety years ago in these impressive words :

“ Dr. Hailes and others have observed, that air, corrupted and putrified, is of such a subtle and powerful nature, as to rot and

*corrupt a heart of oak ; and the walls of buildings have been impregnated with this poisonous matter for years, together."*

I have thus furnished your Excellency with an account of the state of things as I found it in Allegheny County Jail, in the assurance that you have but to know the facts in the case, to put forth your constitutional powers for their correction at the next meeting of the Legislature.

With the hope that the above statement may be productive of good, I subscribe myself,

Very respectfully,

WILLIAM J. MULLEN,

*Prison Agent.*

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The following article, taken from the Annual Report of the Prison Society for 1864, so fully explains the labors of the Agent, as to justify its re-publication, it having been carefully prepared by a Committee of the Society who understand the nature of his operations. It will be appreciated, and will furnish a ready answer to those who want information upon the subject, particularly so as it is from the pen of Inspector, JOSEPH R. CHANDLER, who visits the prison daily, and is an eye-witness to the daily labor of the Agent.

"The Society continues to have the benefit of the labors of WILLIAM J. MULLEN, who for so many years has filled the place of Agent to the County Prison. His services are important to the Society in the amelioration of the condition of a vast number of men, women, and even children, whom he finds in the cells of the prison, victims of the errors of public officers, of their own follies, of the vindictive feeling of unkind neighbors, of their own inordinate love of litigation, or their own or their parents' crimes. He is not called to look to the cases of those released by the Inspectors: his labors are with the Prosecutors, the Aldermen, the District Attor-

ney, and the Court; and those labors resulted in the release of 1491 persons during the year 1863. These releases were of course effected with the consent of some established authority; and it may be added, that of the whole number released, forty-three were children. The amount of domestic misery consequent upon the arrest and incarceration of the 1491 persons is almost inappreciable. The injustice corrected by his successful interference must have been immense, and the pleasure brought to a suffering family by the restoration of a parent or child to approved innocence and the duties and comforts of home, must have been truly great.

"But we are not to consider all these 1491 entirely innocent of the charges brought against them. The magistrate had the commitment supported by the oath of some complainant, and the complainant himself was undoubtedly often justified by the conduct of the prisoner.

"The blow for which assault and battery was charged, *was probably* given, and the fruit or toy whose loss led to the imprisonment for larceny, *was* taken by the accused. The pane of glass in the tavern window was probably broken by the intoxicated creature who was charged with malicious mischief. Nor under these circumstances are we always to censure a magistrate for taking the oath of a citizen. He commits to prison, or holds to bail for trial, those who stand accused of the violation of private rights. The offender knew, before he entered upon his offensive conduct, that he was about to do wrong; but probably he did not understand the extent of that wrong, and especially was he ignorant of the penalty he was about to incur. We all know the axiom of criminal law, that "ignorance of the law excuseth no man;" but we all know, also, that the axiom is not of equal force in moral law; and the administration of criminal law itself has practical exceptions to the rule.

"We have already said that a large number of cases sent to Court might easily be settled by the parties, but especially by the interference of the magistrates; and we may add that more than two-thirds of the cases in which the magistrate holds or commits the prisoner for trial, could, before reaching the Prosecuting Attorney, be settled, with benefit to the community and offender. The requirements of the law are seen and felt by the accused before he finds

himself committed. The vengeance of the law would do little towards reforming one who already sees his fault, and is ready, so far as possible, to make reparation. In such cases the interference of the Agent has been found most beneficial, not merely in procuring the discharge of the innocent, separating him from the society of untried vagabonds and thieves, and sending him back to his family and business, to work out, and work off the stain which even *false* imprisonment has set upon his character, but greatly advantageous has been that interference on behalf of the guilty—of him who had actually committed the act charged, but who felt the danger of his position as well as the error or turpitude of his conduct, and who needed only to be saved from the actual verdict of the jury and the sentence of the court to become again a candidate for public confidence and general respect. To all visitors of prisons it is known that hundreds who commit a violation of the criminal law never feel the degradation of their act, or submit their minds to its disgraceful consequences, till they are made the companions of culprits in the prison cells—that to be known to the good as having done a notable wrong, is a mortifying means for repentance and amendment; while to be in the companionship of the admitted bad, is to be almost certainly sealed to future infamy. This strong but correct view of the cases of new offenders is that upon which the Agent has based his action; and it is not only due to him, but to the plans and labors of the Society, to say, that while it is probable that some of those whom he, with much labor, has released from prison, have shown that they did not improve by his beneficent labors, it is most true that by far the largest number have shown by their subsequent conduct that they appreciate the benevolence that interposed in their behalf, and were ready to make the only compensation which is acceptable to their benefactor, viz., an amended life. It is dangerous—it is at least wrong—to make a low estimate of the labors that take a human being from the cells of a prison, when his character is such as to lead to the belief that he will do no more wrong, by example, to society, or sink in the scale of morals. It is wrong to say that the verdict of a jury fully acquits a man, restores him at once and entirely to society, and wipes away the stain which a prison cell has imparted. Thousands hear of the charge who never know



of the acquittal, thousands recollect the man as the inmate of a prison, who have no remembrance of the full cause of his release. The adverse statements of the press as regards the act, or the adverse testimony on the trial, lives in the minds of many who do not know, or scarcely would care about all that was said in behalf of the accused to induce a complete acquittal. A man who has been imprisoned long on a criminal charge may, in his chamber or in his family, feel the peace of "a conscience void of offence;" but abroad in the world, he will feel himself continually on the defensive—always anxious to show that he is still worthy of the confidence he seeks—always fearful that some act or word of his, unnoticeable in others, may be construed as consistent with charges which he has publicly disproved; and he feels that the months or weeks of imprisonment which he has suffered, are not to be redeemed by a whole life of liberty and honorable conduct. There is something in the atmosphere of a criminal prison which seems never to forsake the liberated prisoner; he feels its influence, and suspects all to be guarding against its infection. In his imagination the deadly mephitic air is always about him. A reflection of innocence, or a sense of repentance and full reparation may appease the conscience, but they will not take away the remembrance of the incarceration; and it is to be feared that such painful reflections have, when acting upon a morbid sensibility, led to suicide or to a return to crime. To diminish the evil, to lessen the effects of guilt, to save self-respect, and to restore man to the duties and enjoyments of society, are the objects of the labors of the Agent, when he interferes to save even the offender from such a punishment as shall operate upon him beyond the demands of the law, and, reaching even over the culprit, shall bring misery and disgrace and ruin upon his dependent family. It is in this light the services of the Agent are to be regarded. He releases hundreds of innocent persons every year. He restores to family and friends those who have been detained for insignificant offences. He calls from the cells of the prison such as may have done acts that would have led to a criminal life, and he gives them their freedom, before association with the bad has weakened their moral perception—before they can have formed resolutions to revenge upon society the offence of their incarceration. He assists to save

the convict from a return to the haunts of vice and the associations that led to his crime and his protracted imprisonment, and, supplying trifling sums, and aiding in the application of funds furnished to him, he has seen the prisoner leave the cell he has occupied for more than a year, and return to a distant family, to commence a life of improvement and become a useful member of the community in which he was reared ; and it may be added that, in one instance at least, while the care of the Agent, in connection with an Inspector, saved the released prisoner (female) from fulfilling an engagement of crime which she had rashly formed, it placed her in the bosom of a family that received her as a child and made her feel all the comforts and confidence of home which can be felt by the repentant and the forgiven.

“The immense saving to the city and county resulting from the efficient labors of the Agent, by which is saved the cost of maintenance in prison, and of trial and acquittal in the court, is worthy of the consideration of the tax-payer, and is appreciated by the Inspectors of the Prison, who administer the moneys appropriated to the maintenance of the imprisoned.

“This Society is specially concerned in the moral and physical results of the labors of the Agent, and feel that the objects proposed in the formation of the ‘Society for Ameliorating the Miseries of Prisons, have been greatly promoted by his successful labors, which they authorize and which they approve. As Agent for the Society for the County Prison, he makes a monthly report of his labors, and his small expenditure for clothing furnished to the outgoing prisoner, and for his fare to some other place. These reports show the constancy and value of his labors in the right direction. We have already mentioned the number of the releases secured by his efforts. We may perhaps appropriately repeat here a remark elsewhere made, that the services of the Agent are not required with prisoners whom the Inspectors are by law competent to discharge—such as are committed for drunkenness, disorderly conduct, vagrancy, breach of the peace, and such offences ; but to cases that require the intervention of the magistrates or the courts to release the accused the interference of the Agent is directed.”

THE FOLLOWING  
IS A  
SELECTION OF CASES  
ILLUSTRATING THE  
COMMITMENTS AND THEIR CHARACTER.

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The first was that of a contraband, an interesting young colored man who had escaped from the enemy in Virginia and got over into our lines, and came to this city with some discharged troops. He was an entire stranger here, and was directed to a public house kept by a colored man, who accommodated him with lodgings. He gave to the bar-keeper his overcoat and twelve dollars in money to keep for him till next morning. While he was lying in his bed, he overheard a conversation between the landlord and the bar-keeper in an adjoining room, who were conspiring together to bring a charge against him of indebtedness, and then force him to enlist, upon a threat of imprisonment if he should refuse to do so. After this had taken place, he came down stairs and demanded his coat and his money. The bar-keeper refused to give them to him, assigning as a reason that the prisoner had borrowed ten dollars from him on the previous night, which he must first pay. The prisoner denied this, and said that he had not borrowed any money from him, but on the contrary, he had given into his charge his overcoat and twelve dollars, which he wanted him to return, after deducting the amount for his night's lodgings. Instead of doing this, as he should have done, he sued the contraband, and had him arrested and imprisoned upon the

charge of obtaining ten dollars under false pretences. There was not one word of truth in the accusation, but the whole affair was a clear case of conspiracy to defraud this man, who was a friendless stranger in our midst.

When the Agent had informed himself of all the facts in the case, he saw the prosecutor and informed him, in an unmistakable manner, that if he did not, at once, release the prisoner, that he, the Agent, would bring the case before the Court upon a writ of *habeas corpus*, and see that the prisoner be released and the prosecutor be placed in prison in his stead. When the prosecutor understood this, he accompanied the Agent to the Alderman's office, paid the costs, and asked for the immediate release of the prisoner, and consented to restore his overcoat and the twelve dollars in money. In this way the contraband was immediately released, and entered the army as a volunteer, without any one profiting by, or receiving any portion of his bounty, except himself.

The two following cases are of a remarkable character. One was that of a colored man whom the Agent had acquitted in court. He was accused of the high crime of stealing a horse and wagon, for which he was committed to prison. A true bill was found against him by the Grand Jury, and he was arraigned for trial, when, by mistake, he plead guilty.

After this, the Agent entered the court room when the prosecutor was making her statement, previous to the prisoner being sentenced. She stated to the Court, on oath, that the prisoner had stolen her horse and wagon, and sold it, and kept the money, and by so doing had ruined her, and deprived her of getting a living by huckstering. When she had got through with this statement, the Agent interfered, and, with the aid of counsel procured on the moment, stopped the proceedings, and asked to have the plea of guilty withdrawn, and the plea of *not guilty* substituted, as the plea of guilty was a mistake made by the prisoner, who thought he had said not guilty. The request of the Agent was complied with, and the case was immediately put upon trial before a jury, at which time the Agent produced satisfactory documentary evidence which he had with him at the time, and which had been previously given by the prosecutor, and that showed the entire innocence of the prisoner. The validity and

correctness of the documents were admitted by the prosecutor while on the witness stand. They showed a precisely opposite state of things to that which she had testified to a few minutes previously before the Court.

The fact was, that the prosecutor had taken the horse and wagon to the prisoner's stable, and put the horse upon livery under his care. She had got on a drunken spree, and had neglected to pay for the keep of the animal. When he had been in the stable for several weeks, the prisoner, accompanied by a respectable and intelligent witness, went to the house of the prosecutor and presented his bill for the keep of the horse, at which time the prosecutor gave a *written statement* authorizing him to sell the horse and wagon, and pay himself for the keep of the animal, and to give her the balance of the money.

The horse was sold to the best advantage by the prisoner, as he was authorized to sell by the prosecutor. After he had paid himself the price which had been agreed upon between them for the animal's keep, he went to the house of the prosecutor with a competent witness, and paid her the balance of the money, and received her receipt for the same in the presence of the witness.

When these facts were laid before the Court, Judge Thompson addressed the jury and said, "that it could not be larceny under any circumstances, the woman herself admitted that she took the horse and wagon and placed them under his care."

This extraordinary case was not permitted to pass without a searching investigation on the part of the District Attorney, who would not allow the prisoner to be discharged, after he had been honorably acquitted by the Court, until he had proved to whom he sold the horse, and what he got for him, all of which was promptly done in a most satisfactory manner, and the prisoner was at once released without costing him anything.

This timely interference of the Agent, in coming to the prisoner's rescue, saved him from being convicted and sentenced as a horse thief, for which interference he seemed truly grateful.

The other remarkable case was that of a young man of good character, who was tried and convicted, and sentenced to three years imprisonment with others, as a pick-pocket. The Agent, upon

investigation, ascertained that he was entirely innocent of the charge as was shown by the confession made to the Agent by one of the real culprits, who have been convicted and sentenced to three years imprisonment, and who are now serving out their sentence for committing the offence, of stealing the man's watch out of his pocket, while sitting along side of him in the cars coming from New York.

The culprit says, that after taking the watch, he immediately conveyed it to a companion, who kept it. They arrived in this city at a late hour of the night, and put up at a hotel, when this young man, who was innocent, asked for a bed, which was furnished him, and he retired for the night and went to sleep, soon after the two thieves who had stolen the watch came into his bed and insisted on sleeping with him, as the landlord was unable to accommodate them with any other lodgings.

Shortly after this a search was made in the hotel for the thieves, who had stolen the watch, which was found concealed in the bed where they were all three sleeping. After their conviction, the attention of the agent was drawn to the case by the apparently good and pious parents of this young man, who had come from New York with letters of recommendation of his good character, which letters had been given by some of the highest authorities in New York, including Judges, Police Magistrates, Chief of Police, Sheriff of New York, and other high functionaries, most of whom gave affidavits, certifying that they knew the prisoner to be honest and of good character.

He was an only son, had been carefully raised, and was almost idolized by his good mother, who was in a terribly distracted and frenzied condition at the imprisonment of her son, whom she knew to be innocent, and who had got into this trouble while riding in the cars from New York, when on a visit to his uncle in Pottsville, whither his parents had sent him.

While in the cars it happened to be his misfortune to be sitting along side of pick-pockets, who got into conversation with him, he had never known them before. The association was such as to have got him into the difficulty. As the Agent had become acquainted with all the facts in the case, he got the parents to accompany him to the residence of Judge Ludlow, who had sentenced the prisoners; he submitted the evidence of good character to the Judge and asked

for a reconsideration of the sentence, in order that the case might be more fully investigated, the Agent's request was complied with, the Judge himself became interested in the case, and when on a visit to New York, inquired of the criminal authorities in reference to his character, and also procured the services of a high functionary in this city, who kindly offered to aid in the investigation.

After all this had been satisfactorily done, the Agent succeeded in getting the Judge to release the prisoner from two years and a half of the former sentence, which gave imprisonment of but six months instead of three years, which latter sentence was not given for his being guilty of any offence, but simply for being found in bad company, fifteen of whom were arrested, convicted and sentenced as a party of bounty jumpers, thieves, and pick-pockets, who were in the cars coming from New York at the same time.

When the Agent informed the parents of the success he had met with, in having the sentence of their son reduced, he received an interesting letter from them, which expressed, in a remarkable manner, their grateful thanks to the Agent for his exertions in their son's behalf, which exertions had given so much relief to their minds. In this letter their prayers and good wishes were tendered in a truly affecting manner.

Another case was that of a respectable Naval Officer, who was accused, by the proprietor of a sailor boarding house, where he was stopping, of picking a pocket of \$150, which he said was mostly in Massachusetts money. A short time after the prisoner was committed, the prosecutor came to him, at the prison, offered to settle the case for fifty dollars, and informed him, at the same time, that his name would be stricken from the "Roll of the Navy," by the Commodore of the Navy Yard, if he did not immediately report himself for duty and extricate himself from the charge. This was said as an inducement to get him to consent to give the fifty dollars, in order to get the case settled. At this stage of the proceedings the Agent interfered and had him released, without paying the prosecutor any thing, and saw that a proper petition was prepared and signed and sent to the Commodore, explaining the whole matter, and showing his entire innocence of the charge.

The prisoner had been in the United States service for nine years,

and was favorably known to the leading men of our country, was a resident of Massachusetts, and was ordered, by the Secretary of the Navy to report himself for duty at our Navy Yard; he gave the best of references, and the money he was accused of taking was his own, and was mainly the issue of New England banks that he brought with him when he came to this city, and which was seen by the prosecutor, who instituted the suit for the purpose of extorting money from him.

There was the case of three sailors, who were committed as a nuisance, an offence not known to the law, when applied to an individual. They were committed upon the testimony of an interested party, who hoped to extort money from them as the vessel with which they were connected was about leaving our port. The Agent saw that they were released in time to take their position in the vessel.

Another case was that of a soldier who was passing through our city on his way home to the State of Maine, he engaged a cab to take him and his baggage to the steamboat landing; the cabman charged three times as much as the law justified him in charging, the soldier refused to pay this, when the cab driver had him committed to prison for misdemeanor, which consisted in his refusing to pay the exorbitant charge. The Agent saw that he was released, and permitted to return home without paying anything to the prosecutor or any one else.

There was the case of a woman who was committed, upon the oath of her husband, on the charge of perjury, which consisted of her taking an oath, at his request, that she would not drink any liquor. He kept a wholesale and retail liquor store in Market street, and was doing a prosperous business, with the assistance of his wife, who attended to the store during his absence. She was in the habit of drinking some of his liquor, and for this he imprisoned her for misdemeanor, and kept her until she consented to take the above oath, which she did not keep, and for this she was imprisoned upon the charge of perjury. The Agent went to him and begged him to release her and let her return home to her children. This he refused to do, and said he meant to keep her in prison until he got a divorce, he said he never would consent to live with her again. The Agent



then went into the Criminal Court, and informed the judge of all the facts in the case, who said no perjury had been committed, that this was an extra judicial oath, and expressed his surprise that the Magistrate had committed the woman under the circumstances. If it was perjury, the Magistrate and husband were accessory to it, by inducing her to take the oath, with the hope of getting out of prison. The Court ordered her to be discharged, and the Agent recommended her to go home, and if her husband refused to receive her the Agent would then accompany her to the office of the Guardians of the Poor, who would see that he be made to provide for her a better home than a prison; after this she was received by her husband and is now doing well.

It was absolutely necessary that she should be released, as she was on the eve of her confinement. Her husband admitted that she was a first rate woman, with the exception that she would drink occasionally.

The next was the case of a respectable man from Delaware, who came to this city to purchase some articles of clothing for his family. He was treated by some friends, until he became intoxicated, and was committed to prison for assault and threats. He was in great distress of mind, having left four small children at home, with no one to look after them, their mother being dead. Your Agent procured his immediate release, without costs, and he was permitted to return to his home.

The other case was that of a man who had been committed for misdemeanor, which consisted of his retaining a small amount of money which he had collected and appropriated to his own use, instead of paying it over to the parties to whom it belonged. Being poor, and unable to get bail, he was committed to prison, where he remained for three months. When it was ascertained that his wife was dying, her sickness being mainly occasioned from want, (and she did die in less than three days after her husband's release,) he, the Agent, took the prisoner's little son into Court, and made a statement of the facts in the case, stating that the prosecutor had left the city, and his counsel did not wish to press the case under the circumstances. The Court ordered the prisoner's immediate release.

There was a case of a little boy who was committed to prison

for no other offence than that he would not keep away from his father's house, his mother having died recently. His father, soon after, married a woman who did not want to be bothered with his children. She induced the father to unite with her in driving the boy from the house. He was taken charge of by his aunt and other friends, who kept him for a time. They, being unable to keep him any longer, insisted upon his going home to his father's house to live. He did so, and the door was fastened against him, and his father had him arrested and put in prison upon the charge of misdemeanor, because he would not stay away from his house. The court released the boy from prison, and required the father to take charge of him. The Agent took occasion to speak his mind very freely to the father in reference to his unnatural treatment to his child, and informed the boy at the same time, that if they abused him again, he, the Agent, would protect him, and see that he was not again ill-treated by his step-mother, who had been in the habit of beating him away from the house with a broom.

Another case was that of a colored woman, her daughter, ten years of age, and two other women, all of whom were committed on the suspicion of larceny of a shawl. The Agent ascertained, upon inquiry, that the article had been given to one of the number, who is the mother of the child, by a lady who employed her. When this fact was ascertained, they were immediately released.

There was also the case of a respectable young girl, who was sent to prison upon the charge of breaking some dishes. Upon an examination of the case by the Agent, it appeared that she had never seen the dishes or been in the house where they were, nor did she know any one that lived on the premises, but she resided in the adjoining dwelling next to where they were broken, where she had only been for a day or two nursing her sick sister.

The prosecutor suspected her of having done something from her side of the house to cause them to break; but there was no evidence whatever that she had any thing to do with the breaking of them. The Agent saw that she was promptly released.

The next case was that of a colored woman, who was committed to prison upon the charge of larceny of one dollar, where she remained two months awaiting her trial. A true bill was found

against her, and she was taken up to court daily for about two weeks, exposed to the public gaze very much to her discomfiture, her case not being disposed of for want of a witness.

The prosecutor not appearing, the Agent interfered in her behalf, brought the prosecutor into court, and when she was placed upon the witness stand "she said that some one had went to a lady in Spruce Street and obtained a dollar that was due the witness, and from the description given of the person, she thought the prisoner was the one who got it, but she did not know that she was." There not being a particle of evidence against her, the District Attorney asked the jury to acquit the prisoner, saying at the same time, "This was another evidence of the many *queer* things done by Grand Juries, and how they ever could have found a true bill for larceny upon such evidence, he could not understand." The Judge said if the prisoner had done what was alleged against her, it would have been false pretense and not larceny. The prisoner was discharged.

Another case was that of a respectable woman who was committed to prison for the larceny of a watch, of little or no value, that belonged to an individual that had recently died. The prosecutor was a quarrelsome woman, that lived in the same house with the prisoner, and who had been warned out of the premises by the landlord, as she did not pay her rent, who at the same time informed the prisoner that she could remain, as she paid promptly. The prosecutor suspected the prisoner of being instrumental in having her removed from the place, and sought revenge by going to the executor of the deceased man, and informing him that she had seen the watch in possession of the child of the prisoner; and upon this statement the woman was committed to prison for larceny, separated from her little child, who went into convulsions, while in charge of the neighbors, in consequence of being taken away from its mother. All of them spoke well of her except the prosecutor. The Agent saw that she was immediately released.

Another case was that of a poor old man who was accused of the larceny of an egg, valued at three cents, for which offence he was brought a distance of five miles to be imprisoned. This was his first offence. On his discharge, your Agent supplied him with a home, and saw that he was cared for, as he was in a destitute condition.

There was the case of a small boy who was accused of larceny. The Agent saw the prosecutor, and got him to consent to his release, and also to adopt the child into his own family.

Another case was that of a blind man and his wife, who had been committed for larceny. There was not a particle of evidence to show that the blind man had ever been in any way connected with his accuser. His wife had been in the prosecutor's employ for a few hours, when she was informed by a police officer "*that she had better leave the premises, as she had got into bad company*"—a fact she did not previously know. She complied with his request; and when she was going away her employer accused her of taking some money. She and her husband were arrested and committed to prison. As they had never been committed to prison before, and were respectably connected, and were highly recommended by two of our late Mayors and other respectable citizens, the Agent interested himself in their behalf, and obtained their discharge from the Court, by having a *nolle pros.* entered, with the consent of the prosecutor and all parties concerned.

Their imprisonment appeared to have been most unjust, the prosecutor being a notoriously bad man, and the general impression was that he had not been robbed at all. He seemed to be very glad to have the case settled, which was done without costs.

The next case was that of a poor old woman, who had been committed for malicious mischief and the larceny of a gate, which she had herself purchased and put upon the premises when she commenced living there. When she removed from the place, she took the gate away with her, considering it to be her property, and this the magistrate construed into malicious mischief and larceny. The agent interested himself in her behalf, went to the magistrate, and obtained her discharge.

There was also an interesting case of a young girl of about sixteen years of age, who had been committed to prison by her mother on a charge of disobedience, which consisted in her refusing to go with her mother to live in a tavern where there were a number of men.

As the prisoner's parents did not live together, and had not provided a proper home for her, she sought a home for herself, and for this she was imprisoned. The Agent prevailed upon the mother to

consent to the Agent's taking the child to the *Howard Home*, where she will be properly cared for.

There was the case of a soldier who had been struck and badly beaten by a drunken man, who had knocked him down in the street, and when he arose he drew his knife to defend himself, at which time a disinterested citizen stepped in between them to protect him, when the citizen accidentally received a dangerous wound in the arm, by the cutting of an artery. This was done by the prisoner while defending himself against the drunken man who had assailed him. The Agent interested himself on the prisoner's behalf, and explained the whole affair to the Court, at which time a *nolle pros.* was granted and the case settled with the consent of all parties concerned. The prisoner was released, and immediately returned to his camp.

Your Agent also obtained the discharge from the Court, for a woman that had been unjustly imprisoned for the larceny of a pawn ticket, which she found where it had been lost by the prosecutor, who is a drunken bad woman, and who has been in prison several times for high crimes. When the case was explained by your Agent the prisoner was discharged, she never had attempted to use the ticket, and she should not have been imprisoned.

Among the number of cases was that of a soldiers wife with two children, who had been committed because she could not pay her weeks rent in advance, as agreed upon. She had lived upon the premises some time, and had paid her rent up to the time of her arrest. She promised to pay out of the money that she would get from the relief fund at the end of the week, but the landlady would not wait but had her arrested and committed to prison. The Agent went immediately to the Alderman and had her and her two children released in about an hour afterwards.

The next case was that of a soldiers wife, who had been committed upon the charge of larceny. The prosecutor was a notoriously bad woman, who first sued her before a Magistrate, for the larceny of eight dollars; the prisoner declared herself to be innocent, and entered bail for her appearance at Court. This did not answer the malicious prosecutor, who wanted to get revenge by putting her in prison. She immediately went to another Magistrate and sued her again, and increased the amount of the charge from eight dollars to sixteen

dollars, and added to the charge that of keeping a disorderly house, and for this she was committed to prison.

The Agent gave especial attention to the case, saw her neighbors, who spoke well of her, then went to the Magistrate and informed him of the bad character of the prosecutor, and that she had sued the prisoner twice for the same offence. She was immediately discharged and allowed to return home and take charge of her children.

Another case was that of a little boy who had been accused of the larceny of a pair of old shoes. He left his home in Pottsville and followed the soldiers to the city, he had no shoes, and took an old pair from the camp ground, and for this he was committed to prison. The Agent obtained his discharge, gave him some money, procured a ticket for him, put him on the cars and sent him home to his parents.

Among the number released was that of a poor woman, her sister and child. They were charged, by a drunken prosecutor, with misdemeanor, the poor woman had recently given birth to a child, and was taken from a sick bed and sent to prison. The Agent ascertained all the facts in the case and had them immediately discharged, and they were permitted to return to their family.

Another case was that of a soldier, who had served three years in the United States service, he had re-enlisted, obtained a furlough and was returning to his regiment, when he was arrested and accused of stealing a *Fan*, valued at three cents. The Agent obtained his immediate release, and he was enabled to rejoin his company.

Another case was that of an honest German whose wife was delirious, and would scream out and annoy the people who occupied the rooms immediately below, and because she did this during her sickness, they took her husband, who was faithfully nursing her, and imprisoned him upon the charge of keeping a disorderly house, he occupying only one room in the house; the Agent saw that he was immediately released.

There was also the case of two small boys, one of whom was only twelve years of age, they had been committed upon a charge of Assault and Battery. The Agent ascertained, upon inquiry, that a drunken woman was the prosecutor, who was not conscious of what she was doing when she made the oath against them. The Agent informed

the Court of the facts in the case, and the children were immediately released from prison.

Another case was that of a wounded soldier, who was committed upon the charge of Assault and Battery. He was an inmate of one of our hospitals, his arm had been recently amputated near the shoulder, and the flesh was not yet healed up ; he got into a difficulty by playfully making a pass with his hand at one of his sick companions, and followed it up by attempting in the same playful manner, to kick him with his foot, all of which was taken in good part by the party receiving the blow, and who seemed to understand that no harm was intended.

A certain Alderman was passing at the same time, and saw the whole affair, but not knowing that it was a mere joke, became excited, and immediately struck the prisoner knocking him down and at once arrested him, and without a warrant took him to his office and committed him to prison. The case was fully investigated by the Agent, and explained to the satisfaction of the Alderman, who released the prisoner without costs. He then returned to the hospital, where he received such medical attention as his wounded arm and the suffering therefrom required.

The next case was that of a German boy about fourteen years of age, a resident of New York. He had been decoyed from home by two sharpers, who induced him to leave New York and come to Philadelphia, and promised to get him work at good wages. When they got him here they took him to a Lager Beer Saloon, made him drunk, and then took him to a recruiting station, and undertook to put him into the army, with the hope they would get his bounty money and pay themselves for their trouble. The boy refused to enter the army, and begged to be sent back to his father. When they could not by any means prevail on him to enlist, they hoped to have frightened him into it by getting the landlord, where he was boarding, to put him in prison for his indebtedness for board, and as he had no money he was unable to pay the debt, which the sharpers had contracted, and which they had promised to pay.

The Agent brought the facts before the Court, exposed the conspiracy, and the boy was immediately released. The Agent then

took charge of him, gave him some money, procured him a ticket for New York, and sent him home to his father.

There was the case of a sick and wounded soldier, who was connected with one of the hospitals. He was accused of stealing eight dollars, (\$8.) Your Agent's attention was drawn to the case by the Grand Jury, who saw the soldier and sympathized with him. He accounted for where he obtained the money, his case was settled and he was immediately released from prison.

Another case was that of an interesting young girl. She was a friendless stranger in this city, but had procured for herself profitable employment in a responsible position. The proprietor of the house in which she boarded had been robbed of ten dollars. He accused the prisoner of stealing it, had her arrested and committed to prison, without a particle of evidence to show that she was guilty. The Agent convinced the prosecutor that he had committed an error, and not only got him to go to the Alderman and consent to a settlement of the case, but induced him to go down to the prison at a late hour of the night with her discharge, to apologize to the prisoner for what he had done, and to invite her back to his home; by this arrangement she was released in a few hours after her commitment, and was thus enabled to go back to her employment, instead of losing her situation, which might otherwise have been the case.

There was also a similar case of a woman who had been house-keeper for a man who accused her of stealing three dollars out of his pocket. The fact was that he came home intoxicated late on a Saturday night, and had given her no money to get provisions for the family during the Sabbath. Finding him in a condition which rendered him unable to give her the necessary money to provide for his children, she put her hand into his pocket and took out three dollars. She expended one dollar for provisions and returned him two dollars. He being much intoxicated quarreled with her and accused her of having taken five dollars; he sued her and imprisoned her.

The Agent saw him when he was sober, at which time he expressed his regret, said, "he was sorry for what he had done, that she was a good woman and that he had nothing against her, and would be glad to see her released from prison." He gave the Agent money



to pay the costs, and signed a recommendation for a *nolle pros.*, which was granted by the Court, and at his request she was released, returned to his home and again took charge of his family.

There was an interesting case of a woman from Montgomery county, who came into the city on a visit to see the Sanitary Fair. The weather being warm, and she being fatigued, she partook of some refreshments, and drank something that affected her head. She went into a jewelry store and took a pair of ear-rings without paying for them. As she was going out of the store she dropped the ear-rings in the presence of the store-keeper. A police officer happened to be at the door at the time, who arrested her for the larceny of the articles. As they were of but little value, the store-keeper did not want to prosecute her.

She seemed to be a respectable woman, whose manner was such as to make a favorable impression upon his mind, and disposed him to let her off, if possible. The officer, however, insisted upon her being brought before a magistrate. She was committed to prison, arraigned for trial, convicted and sentenced to four months' imprisonment, although she pleaded guilty at the time.

Her history is as follows. She is a married woman, and the mother of seven children. In addition to these, a young woman was admitted into their family, and taken charge of by them, and treated as one of their own family. This young woman was subsequently married to a gentleman of good circumstances and of the highest respectability. In consequence of the prisoner's husband becoming intemperate, they parted, and she was invited to go and live with the young lady alluded to and her husband. She accepted the invitation, and went to live with them, and took charge of their family.

They had the greatest confidence in her honesty, and had entrusted her with their valuables, and, at times, with considerable sums of money, and had always found her to be honest. They were very much distressed during her absence in Philadelphia, and had made a long and diligent search for her without success. At length it occurred to them that it might be well for them to look into the prison. This lady and her husband, accompanied by two other respectable persons, came into the prison and asked permission to search for her, as her name did not appear on the books of the prison. This permission was given them, and there, to their great surprise,

they found the object of their search, a convicted felon in a prison cell. She had been committed in her maiden name. The truly affecting scene which took place between the parties may be better imagined than expressed or described.

She was asked why she did not inform them when she got into the difficulty, in order that they might have used their influence to help her in her trouble. She replied that she did not wish to disgrace them and her children by letting them know of the occurrence—that she preferred suffering in prison, that she might atone in some measure for the difficulty which she had brought herself into.

The Agent succeeded in getting her sentence reconsidered, by giving a written statement to the Court presenting a full history of the case, after which she was released. Previous to her leaving the prison, one of the Inspectors, who had taken considerable interest in the case, wrote to her friends in Montgomery County, telling them to come down to the prison immediately, and take her home, which they were so desirous to do. In this way she was taken charge of, and enabled to return to her friends, much to the satisfaction of all the parties concerned.

Among the number, there was the case of five sailors, which deserves more than a passing notice. These men were strangers in this country, against whom there was no charge. They were wanted as witnesses, and had not a friend to go bail for their appearance when called for.

In view of this state of things, the Agent had them brought before the Court upon a writ of *habeas corpus*, and saw that the Court issued an order which removed them from the criminal prison to the debtors' prison, where they would be better provided for and made more comfortable. As the vessel to which they belonged was about to sail from our port with their clothing and back pay that was due them, the Agent applied to the British Consul to interfere, which interference secured them their pay and clothing.

These men remained in prison many months, and when the trial came on, it was found that their testimony was not necessary, as the testimony of the police officers and others was ample. A great wrong has been done them.

There was also the case of two young girls, who had been committed for the larceny of a coat. The prosecutor was a feeble-

minded old man, who became intoxicated and accused the prisoners of the above larceny, of which they were not guilty. One of them, feeling herself insulted at the time, became indignant, and, on the impulse of the moment, resented the insult by inflicting an assault and battery upon the prosecutor, for which she was committed upon the double charge of larceny and assault and battery.

After they were committed, the prosecutor repented, and became convinced that he had committed an error in accusing the girls. He then united with the Alderman in recommending a settlement of the case. A *nolle pros.* was granted by the Court, and the girls were released from prison through the interference of the Agent, who saw that the prosecutor was made to pay the costs.

There was also the case of two women who were tried and convicted upon the charge of keeping a disorderly house, and were sentenced to be imprisoned for five months each. One of them is the wife of a soldier, who is now in the army. This woman was locked up in prison, and his four helpless children left uncared for. The other was an old woman seventy-one years of age—she owned the house in which they lived.

The young men of the neighborhood were in the habit of visiting the house, to see the two daughters of these prisoners, and of making considerable noise, which was much against the wishes of the prisoners, who both live in the same house. This conduct was annoying to the next-door neighbors, who had the old folks arrested instead of the younger ones, who were the actual offenders in the case. After their conviction and sentence, the Agent was appealed to by the neighbors to intercede in their behalf, for the purpose of having their sentence reconsidered, if possible. This request he complied with, went to the home of the prisoners, and witnessed the terrible scene of distress which there existed among the little children. They were obliged to pawn some article of furniture or clothing almost daily, in order to obtain food that they might live.

The neighbors being unanimous in favor of their release from prison, the Agent went to Judge Ludlow and made him acquainted with all the facts as they existed.

The Judge reconsidered their sentence, and allowed them to be released from prison, and to return to their homes and take charge of their families, to the great satisfaction of all.



# OFFICERS OF THE SOCIETY.

1865.

---

PRESIDENT,—JAMES J. BARCLAY.

VICE PRESIDENTS, { WILLIAM SHIPPEN, M.D.  
JOSEPH R. CHANDLER.

TREASURER,—EDWARD H. BONSALE.

SECRETARIES, { JOHN J. LYTLE,  
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COUNSELLORS, { HENRY J. WILLIAMS,  
CHARLES GIBBONS.

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William S. Perot,  
Thomas Latimer,  
John M. Wetherill,  
Benjamin H. Pitfield,  
James E. Kaighn,  
Alfred H. Love,  
Jeremiah Willits,  
George Taber,  
Wm. L. J. Kiderlin,  
Mahlon H. Dickinson,  
James Peters,  
Abram Martin,  
Wm. Armstrong,  
William Nicholson,  
Charles W. Funk,  
Philip P. Randolph,  
Samuel Townsend,  
Albert G. Rowland,

Benjamin H. Shoemaker,  
Wm. Warner Caldwell,  
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George M. Elkinton,  
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Joshua Eyre,  
J. Lukens, M. D.  
John Wetherell, Jr.  
Charles C. Lathrop,  
William J. Mullen,  
William Ingram.

WILLIAM J. MULLEN is Agent of the County Prison, appointed by the Inspectors, and acting under their direction, and also appointed by the Prison Society.

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TWELFTH ANNUAL REPORT

OF

**William J. Mullen,**

PRISON AGENT.

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**JANUARY 1, 1866.**

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J B CHANDLER, PRINTER, 306 & 308 CHESTNUT STREET, (GIRARD BUILDING.)



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1866.





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TWELFTH ANNUAL REPORT  
OF  
WILLIAM J. MULLEN,  
Prison Agent,  
*January 1st, 1866.*

---

To

JOHN M. WETHERILL:

Chairman of the Committee on County Prison, of the "Philadelphia Society for alleviating the miseries of Public Prisons."

RESPECTED SIR:

The undersigned herewith submits, for the information of your Society, his Twelfth Annual Report, from which it will appear that, with the co-operation of the properly constituted authorities, he has succeeded in liberating from prison one thousand four hundred and ten (1,410) persons within the last year. Of this number, there were seven hundred and twenty-eight (728) males, and six hundred and four (604) females, besides seventy-eight (78) children. They were liberated at a cost to themselves of two hundred and fifty-seven dollars and ten cents (\$257.<sup>10</sup>/<sub>100</sub>), paid to magistrates and other officials. There were over two thousand eight hundred (2,800) cases investigated, and more than five hundred (500) letters have been

written and mailed on account of prisoners during the year. The parties were all committed for Court, but an impartial and searching examination showed that, in the majority of these cases, the imprisonment was unnecessary, while, in many instances, it was cruel and oppressive.

In some cases where offences have been committed, they were of so trivial a character, or accompanied with such mitigating circumstances as not to warrant a longer confinement. It was found that much of the litigation had its origin in improper motives, such as vindictive feelings, thirst for gain, intemperance and thoughtlessness. Parties thus actuated overlooked the misery they were causing to helpless children and unprotected families by sending their parents and protectors to prison; many of these, when remonstrated with, saw their error, and willingly lent their aid to undo the mischief they had so inconsiderately caused.

We would not be understood to say that many of the persons liberated had not committed the offences with which they were charged, but the reasons assigned for their liberation at the time were such as to satisfy the officers of the law that their release was in no way incompatible with the ends of public justice, as the imprisonment they had already suffered was considered sufficient. There is no doubt but that in the regular course of law, the Court, when made acquainted with the facts that go to establish the innocence of parties who may be wrongfully accused, would authorize their discharge, and in this way they would be released in time, but the delay would be most damaging to their interests. It is painful to contemplate the fact, that persons who are not guilty, or whose offences are so slight that no Grand Jury would feel justified in finding a true bill against them, should be incarcerated for an unnecessary length of time, subjecting them to the loss of their honest employment as well as being detrimental to their character, and thereby entailing suffering and ruin upon their innocent families, and that too at an unnecessary expense to the city.

What we claim for the Agency is, that it is a peaceful mission, adjusting difficulties between parties who are at law; that it brings the facts promptly before the proper officials who have power to act in the premises, and whose decision terminates the mental suffering

of the prisoner, which resulted from his being kept in suspense; it also puts an end to unjust and malicious litigation, liberates those who ought not to be imprisoned, prevents suffering to innocent families, and saves to the county much unnecessary expense; nor in this connection can we overlook the precious time and expense saved to the Court and jurors, that would otherwise be necessary in disposing of these cases, as they are Court cases, and not those of drunkards, vagrants or breaches of the peace, of which the Inspectors have the authority to dispose.

The liberation of the persons referred to was a saving to the county within the year of the sum of seventeen thousand one hundred and forty-four dollars and seventy cents (\$17,144 70), of which eight thousand one hundred and seventy-eight dollars (8,178) would have been required to have been paid for ignoring their cases at \$5.<sup>80</sup>/<sub>100</sub> each, and eight thousand nine hundred and sixty-six dollars and seventy cents (8,966.<sup>70</sup>/<sub>100</sub>), which their maintenance would have cost, had they been detained in prison until the earliest period in the term of the Court for disposing of their cases.

The whole number of persons released within the last twelve years through the Agent's interference, has been seventeen thousand four hundred and three (17,403); their liberation has saved to the tax payers of Philadelphia the sum of one hundred and forty thousand seven hundred and seventy-one dollars and fifty-eight cents (\$140,771 58).

The unjust and trivial character of many of these arrests may be understood by a perusal of the several instances given in the sequel of this Report. The Agent again wishes to impress upon the mind of the reader, that his object in the exercise of the duties of his office, is to seek to release those only whose imprisonment is unjust and improper, and whose detention in prison can be of no possible benefit, but on the contrary a great detriment to the community.

The number of arrests made in our city during the year was thirty-nine thousand one hundred and seventy-nine (39,179), and the number of commitments to the County Prison sixteen thousand four hundred and ninety-six (16,496). There were one thousand six hundred and two (1,602) bills ignored, and two thousand three hundred and eighty-two (2,382) true bills found

by the Grand Jury, of which there were five hundred and ninety-five (595) convicted, sentenced and re-committed to prison. Of these four hundred and fifty-five (455) were sentenced to labor, and one hundred and forty (140) without labor. Of the original number committed, there were discharged by the Court eight hundred and forty-three (843), by magistrates six thousand seven hundred and eighty-one (6,781), by Inspectors five thousand eight hundred and fifteen (5,815), prisoners whose time expired within the year, who had not been required to labor, thirteen (13), and by various other authorities not here mentioned, five hundred and seventy-three (573). Of the above number committed, there were ten thousand seven hundred and thirty-one (10,731) white males, and also four thousand four hundred and seventy-nine (4,479) white females, six hundred and forty-four (644) black males, and six hundred and forty-two (642) black females. The whole number of commitments of both sexes shows an increase, compared with last year, of two thousand four hundred and twenty-nine (2,429). By this it will appear that there were three thousand nine hundred and eighty-four (3,984) cases acted upon and disposed of by the Grand Jury and Court, at a cost of forty-four thousand nine hundred and eighty-one dollars and eighty-one cents (\$44,981.<sup>81</sup>/<sub>100</sub>), this being the expenses of the Criminal Court for the year. Of this the City Treasurer is required to pay the District Attorney's fees, twelve thousand one hundred and twenty-six dollars (\$12,126.00); clerk's fees, nine thousand nine hundred and sixty dollars and fifty-one cents (\$9,960.<sup>51</sup>/<sub>100</sub>); sheriff's fees, four thousand six hundred and ninety-seven dollars and eleven cents (\$4,697.<sup>11</sup>/<sub>100</sub>); tipstaves, jurors, &c., eighteen thousand one hundred and thirty-five dollars and nineteen cents (\$18,135.<sup>19</sup>/<sub>100</sub>). The conviction of the *guilty* parties who were returned to prison cost thirteen dollars and fifty cents (\$13.50) each. This absorbed eight thousand and thirty-two dollars and fifty cents (\$8,032.<sup>50</sup>/<sub>100</sub>) of the expenses.

No portion of the above expenditure was paid to the Judges, as they receive their salary from the State. And we would here remark, that the compensation given to these gentlemen, is by no means adequate to the valuable services rendered. Since the above was written, we are glad to see that a member of the Legislature has made

a move in the right direction, on this subject, as will be seen by the following article, taken from the "Dispatch" of this city.

#### THE SALARIES OF OUR JUDGES.

"Mr. BINGHAM, of Allegheny, has introduced a bill to increase the salaries of certain State officers, from the Governor downward. The synopsis of the bill which we have seen states that there is a proposition to advance the salaries of the Associate Judges of the Supreme Court to \$5,200 per annum, Chief Justice to \$5,500, and of the Judges of the Court of Common Pleas of Allegheny county to \$4,400, and of the President Judges of County Courts to \$3,000. We do not find in the synopsis of the bill that any proposition has been made to increase the salaries of the Judges at Philadelphia to \$4,400. One of our cotemporaries assumes that such is the case. We hope that it is. But if it is not, the subject is one which is worthy the attention of our delegation in the Legislature. There are no Judges in the Commonwealth who work harder than the Judges of the District Court and Common Pleas of Philadelphia. Nor are there any Judges better deserving of liberal payments, upon account of their industry, learning and probity. If this bill passes—and it is a just measure which the State can well afford to perform—we trust that there will be no invidious distinction in favor of Allegheny and against Philadelphia. The sums proposed are not too great for the payment of the Judges in either place. It may be well doubted whether they are not entirely too small."

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Just previous to our report going to press, we have learned, with profound sorrow, of the death of the Hon. OSWALD THOMPSON, the beloved President Judge of the Court of Common Pleas. His death is a public calamity: we say this because we know it to be so. We believe no one in this community, with the exception of his family, and his colleagues upon the Bench, has had a better opportunity of judging of the goodness of his heart, and the godlike qualities of the man, than the Agent, who will always hold his name in profound respect, because he knew him to be a righteous Judge, and who always found him, in season and out of season, ready and willing to listen to anything that might be said which tended to alleviate the condition of the oppressed, when he could do so consistently with his sense of justice.

The Agent is in possession of many interesting facts, not known to the public, which show him to have been a man, not only of a benevolent heart, but one whose mind could promptly grasp a subject, and see through it with a quickness of perception that seemed



like inspiration. His decision and promptness in meting out punishment to offenders, were fully equalled by the mercy which he was at all times ready to extend where there were palliating circumstances.

He was taken sick while on his way to the Court, and died in the harness, overworked in the public service, and literally killed by the fetid air of badly-constructed Court-rooms, where business of the greatest magnitude had to be disposed of. The value of the services of this illustrious man may be, in some degree, estimated by the profound feeling it called forth in the community, and which found proper expression in the meeting of the bar, which, in numbers and interest, was without a precedent in our annals. At this meeting, which was presided over by the Hon. Judge WOODWARD, of the Supreme Court, the Hon. Judge STRONG, said:—

“I am persuaded, sir, that there is no Court in this Commonwealth that has imposed upon it anything like so many duties as devolve upon the Court of Common Pleas of the City and County of Philadelphia. I know of no Court in any other State that has a jurisdiction so large, and to which is entrusted so much that is of value to the community, of value to the city, so much that is essential to the preservation and good order of the State, as is represented in this.

The public mind, doubtless, looks more to the administration of criminal laws than any other portion, and they are eminently important. It is of the greatest importance that the Judges of that Court should bring to the administration of that branch of law not only well-informed and strong minds, not only minds not too distorted by the growth of one faculty to be effective; but that they should bring promptness and application and knowledge; that they possess and be full of the character of firmness, resolved not to be affected by public prejudice, not to be reproached. Their character should be above reproach; a reputation unsullied, an integrity that cannot falter.

But there are other duties that are not less important; they are, perhaps, more onerous. I refer to the Judge, as Judge of the Orphans' Court, the Court through which immense property in this large community is sure to pass; a Court that must meet difficult, involved and important questions, and that has entrusted to it the guardianship of widows and orphans. Can we over-estimate the value of that man who discharges the duties of the Judge of the Orphans' Court of this city and discharges them well?

I will say nothing of the other duties that are imposed by law upon the judges of that court. I refer to the duties imposed upon him as the guardian or supervisor of all administration in preserving the public highways, the purity of the public elections. One stands appalled at the magnitude of the duties imposed upon him. In view of this great magnitude, the inquiry presents itself, who is sufficient for these ends? It was to such a position as this that our late friend was called. For fourteen years he has borne the burden of these duties, he has borne this immense burden; he has discharged these trusts; how ably, we are all witness. You and I, and

all who are present here this morning, can bear cheerful testimony to the great fidelity and eminent ability with which Judge THOMPSON filled the position to which he was chosen.

It cannot be doubted that his conscientiousness made him discharge all the duties of his position, which shortened his life and led him to an untimely death. Not so. No death is not untimely to him who has well done his life's work, and who has made preparation for a better life. It is we who remain that must suffer; but we, who shall not meet again our friends in the land of life, and not again enjoy the benefits of his labors in the land of the living, have left to us one example, and the memory of the just shall always be blessed "

### The Judge was followed by

Hon. ELLI K. PARSONS, who desired to speak in measured and truthful words; if they be eulogy, it will be because truth is eulogistic. We meet to express our sorrow and pay our homage of respect to a good man and a faithful magistrate. We come here to mourn him as a brother in our profession, more emphatically so because he was taken from our ranks and stricken down among us. Being eminently useful as a Judge, that feeling of respect and confidence becomes intensified. The bar knows its loss, but the public do not know theirs. The judiciary is the final safeguard of all the rights of human nature. Thus, in this great loss, we wish to pay him a tribute of our gratitude. The senior of Oswald Thompson by about ten years, I have known all of his professional and judicial life.

No one can remember that with him they had any difference; no one ever heard from him, on the bench, an unkind word, or knew him to do an unkind act; he was not capable of it. He seemed never to have thought, when the bar was interposed, that he had ceased to be one of our profession. His nature was calm, mild and deliberate. He always listened to every case with admirable patience, when even patience might seem to others to be beyond the bounds of virtue. He spoke at the right time, decisively and positively. He had an iron will, though his body was weak. His decisions were brief, as from the pressure of business they must have been, but though brief they always clearly explained the grounds and principles on which they were based; when written, they were terse but complete. Your honor has had many to review, but very few to reverse.

This occasion is not to be lost to demand the reform of a great evil to which your Honor has adverted. I trust this matter will go to the Legislature and receive their considerate action. Here are four or five Courts, with jurisdiction extending over every interest, from a few dollars up to the lives of our citizens. There is the Court of Oyer and Terminer, to decide the great questions of life. There is the Court of Quarter Sessions, with many cases, like those of elections, of infinite value. There is the Court of Common Pleas, with equity jurisdiction, with a constantly increasing business. There are the Orphans' Court and the Registry Court. Through these, must, on an average, once in thirty years, pass the whole property of this great community. Thus, upon three men are imposed duties sufficient to break down all their constitutions, business enough for twice as many.

Judge THOMPSON fell a victim to this evil. For years I have seen him breaking down, seen him struggling under these onerous labors, with a keen sense of his public duties and a will to perform them, whatever might be his personal suffering.

He went on the bench having a good legal practice: had he not done so, I believe he would have been, to-day, a richer man and a living man. I regard him as a sacrifice to the public good. I want to point to his dead body, and in view of that sacrifice make an appeal to the Legislature to obviate this killing labor by dividing the duties between a larger number. Every Judge that goes on the bench, giving up a large practice, and performs his duties well, demands the meed of perfect praise. We have this consolation in our hour of sorrow, that he has left us a good and perfect example. He lived to perfect that example, and the best and most patriotic prayer we can now offer is that his successor may adorn the bench with his urbanity, his learning, and his virtue, and at the close of his life like him receive the praises and benedictions of all good men.

The following are the resolutions unanimously adopted by the meeting:—

*Resolved*, That the members of the Philadelphia bar feel with deep sorrow the loss which this community has sustained in the death of the Hon OSWALD THOMPSON, the late President Judge of the Court of Common Pleas of this county.

*Resolved*, That we hold in the highest esteem the learning, the integrity, and the exalted virtues of the late Judge THOMPSON, and most sincerely deplore the loss which the bench and the country have sustained by the death of one so eminently qualified for the high and honorable station which he filled.

*Resolved*, That in recording these sentiments, we desire to adduce testimony to the purity and uprightness of his life, and to the estimable qualities which belonged to him as a man.

*Resolved*, That we most truly sympathize with his bereaved family in that affliction under which they mourn the loss of an affectionate husband, a kind parent and a good citizen.

*Resolved*, That the members of this bar will attend the funeral of the late Judge THOMPSON.

*Resolved*, That a Committee of seven be appointed by the Chair to present a copy of these proceedings to the family of the deceased.

We insert the following, from the final presentment of the Grand Jury of the February term, who say:

“The majority of the cases brought before us were for trivial offences. We fervently hope that this state of things may continue, and the number of crimes still lessen, so that Philadelphia may still claim in reality to be the ‘City of Brotherly Love.’” They also say “The Association for Relieving the Distressed in Prisons, could not have a more efficient Agent than Mr. WILLIAM J. MULLEN, whom we found at his post.” In response to this presentment, the Judge thanked the Grand Jury for their attention to their duties.

The following is an extract from the Presentment of the Grand Jury for the August Term, to the Hon. Judge LUDLOW, of which body STEPHEN A. CALDWELL, Esq., was foreman.

“The Grand Jury have called before them a great number of witnesses, revealing a vast volume of crime; much of it of the most atrocious character. They are

glad to know that many of the criminals, against whom indictments were found, have been brought to speedy trial, and, upon conviction, have received from your Honor a quick and condign sentence. It is only by thus dealing in a summary manner with heinous offenders, that we can hope to abate the growing volume of crime; and we most earnestly commend your example, of merited severity on criminals, to your associates, believing that the condition of affairs requires a using of the "terrors of the law" to their utmost limit.

A great number of cases of assault and battery are of a trifling nature, growing out of the jealousies and evil-speaking of neighbors, and are unworthy the time occupied and the expense incurred in the hearing of them. In very many instances, the prosecutors suppose that when they have had the assailant "bound over," the matter is ended; in many other cases, to have the assaulting party bound to "keep the peace" would satisfy the aim of the prosecutor and the ends of justice.

If it be lawful for the Aldermen to do so, without making a return to the District Attorney, we are sure that by following that course in all minor cases, great expense would be saved to the county, as well as to all concerned. The fruitful source of three-fourths of the crime developed, to our experience, is the use of intoxicating drinks. Licensed and unlicensed taverns, saloons and drinking shops, spring up in every corner and in every street, like mushrooms in a night, until the evil flowing forth from them is disturbing, in an unwonted manner, the peace and happiness of society, filling our streets with drunkenness, lewdness and vice, our prisons with criminals, and sending numberless victims into untimely graves. It is the province of neither judge or jury to *make* laws; they can only execute them; but we can point the people to the source from which so much crime emanates, and exhort them to seek, through wise and just legislation, an adequate remedy. During four years of furious war, the people have proved, by their patience, courage and fortitude, their ability and determination, ours as a Government of the people; and now, in these days of peace returned, if they will enjoy the blessings of peace, and the comforts of pure and virtuous society, free from fear of crime, they must take into their own keeping the trust of electing good and wise Legislators, and the eradicating the evils now existing in the community."

The curse of Intemperance, that worst foe to godliness, so noticeable everywhere, still abounds in our city to a truly alarming extent, constantly leading to those crimes which fill our prisons and almshouses with drunkards, paupers and criminals, who have been made such by the unnecessary use of intoxicating liquors, which are sold under the sanction and protection of law.

The result is to be seen in the squalid wretchedness and absolute misery everywhere attendant upon this accursed traffic, so expensive to our fellow-citizens who have to bear the burdens of supporting its victims—burdens which the rum-sellers should be required, by law, to bear from the profits of their iniquitous business. They should be

made to support those whom they have impoverished while enriching themselves.

The main object of law, as we understand it, is to prevent and suppress crime. A more effectual way to increase crime than that of legalizing the *unrestrained* sale of intoxicating liquors, it is difficult to conceive. We say *unrestrained*, and this is so, for any person can, under the law, go to the office of the Court of Quarter Sessions and obtain a license to sell rum upon the payment of a few dollars to the City Treasurer, upon a certificate given by the County Commissioner. No matter how bad the character of the individual may be, but little difficulty will be found as to the fitness or reputation of the house for the accommodation of the public. These dens of iniquity, where crime originates, have caused the vast increase in our criminal business. Is not a reform, in this particular, called for by the history of the past, and by the present danger to the morals of the community?

Our beloved country, thanks to an overruling Providence, is saved from any further horrors of war, whose dark clouds are rolling away—from destruction by slavery, now itself dying by suicide—but is not the country which God has thus preserved and blessed, cursed by another evil, imperiled by another sin? Is not this a time for repentance and reformation? Has not Intemperance cast a deeper shadow over the dark scenes of war? Does it not imperil the welfare of thousands of our brave defenders whom shot and shell and fever have spared? Strong drink is still raging. Wine is still a mocker, deceiving many who might be wise. Intemperance is casting down many of the wounded, who have done honor to themselves and their country upon the battle-field! Rum-selling and rum-drinking still destroy domestic happiness, disturb public tranquility, incite to riot, to arson, to murder, to suicide, and to every crime, tormenting and slaying their hundreds of thousands of captives, with a barbarism rivaling, if it cannot reach, the atrocities of the slave mart and the soldier-prison, invading our homes and corrupting our youth.

As we regard the welfare of the community in which we live; as we regard the welfare of the rising generation; as we hope for the preservation of our free institutions; as we value the peace and

happiness of our own fire-sides; and as we value religion which is the solace of our sorrows and the only hope of happiness hereafter; and as we desire crime diminished—which we now so painfully see on the increase, resulting from this unrighteous business, filling our prisons, as we have remarked, with criminals of the worst character. There should be prompt action on the part of our citizens to avoid this evil, and stop this tide of iniquity, by legislation or otherwise. The guilt of intemperance and its accessories calls loudly for a speedy remedy at the hands of the wise and good.

In the Coroner's Report of our city for the year, it is shown that there have been nine hundred and thirty-one (931) deaths by suicide, accidents, &c., over which that official has held inquests. The number of murders was twenty-two (22.) From the Philadelphia Inquirer of the 15th inst., and from other sources, we learn that the number of murders committed in the United States within the year was six hundred and eighty-two (682,) for which there were ninety-three (93) executions. Of the above number, thirty-five (35) murders were committed on Christmas day. My official position as Prison Agent, and my experience in the statistics of crime for the last twelve years, warrant me in saying, without fear of successful contradiction, that nine-tenths of the murders are traceable to intoxicating drink. Remove this evil, and there will be little or no necessity for the gallows, and crime will almost disappear in our beloved country.

Some idea may be formed of the fearful number of tavern licenses granted to retail dealers in intoxicating drinks, from the Auditor General's Report for 1865, from which it appears that there have been paid into the State treasury for tavern licenses in Philadelphia alone, one hundred and seventy thousand five hundred and fifty-two dollars and seven cents (\$170,552 07,) and in the whole State, two hundred and forty-nine thousand six hundred and forty-five dollars and nineteen cents (\$249,645 19,) paid for the privilege of establishing so many pest houses, to fix, like moral plague-spots and festering sores, upon the surface of our otherwise beautiful Commonwealth. It is fearful to contemplate, that from these licensed dens of iniquity there will issue men and women, demoralized and corrupted, to prey upon the community, by increasing the amount of our criminal busi-

ness, as well as the burden of our taxes; for we can look upon this \$250,000 of *revenue* in no other light than as so much seed, sown broad-cast upon our State, that will inevitably produce a woeful crop of crime, insanity, misery and death.

We would here remark, as we have on previous occasions, that it is greatly to be regretted that our City Councils have not yet made an appropriation for the building of a House of Correction, by which our over-crowded prison could be relieved of drunkards and vagrants, who might be made to work and earn their keep, but who, under the present arrangement, are supported in idleness, thereby interfering with the legitimate business of imprisoning convicts, who are now crowded, in many instances, three in a cell, instead of one, as the law requires. There must be some action on this subject, at once, or there will have to be an addition made to the prison. The crowded condition of the cells will create disease, such as we had last year when visited by the spotted fever in its worst form.

The increase of crime is not confined to our city alone, as may be seen from the following extract from the Metropolitan Police Report of New York. The Superintendent of the Police says:

"The number of arrests made during the last quarter, amounts to the unprecedented number of nine thousand one hundred and twenty-two (9,122,) being nearly three thousand (3000) more than have been arrested during any previous quarter."

He says the number of arrests is mainly owing to the great number of soldiers, that have been mustered out of military service, in our midst, who, finding themselves without employment and without means, many of them have, as a consequence, become violators of the law, and have fallen into the hands of the police.

"But the greater number of arrests have been of persons who have followed in the wake of our armies for the purpose of plunder and robbery; and now the war is over and our armies disbanded, they are forced to prey upon our citizens. There is also a large number of the convicts of the Southern prisons who are now at large, and are found to be among the most desperate characters that visit our city. Most of these men are as yet unknown to our detectives, and consequently these officers labor under a disadvantage in these cases. Of the entire number arrested, three thousand four hundred and eighteen could not read nor write.

The judicious management of our prison, on the part of the Inspectors, continues to be satisfactory, and the management of the Superintendent, WILLIAM B. PERKINS, is acceptable to all parties concerned.

The cleanly condition, excellent management, and good ventilation of the female department, is truly praiseworthy ; and the health of the prison generally, under the attentive care of Doctor HENRY Y. SMITH, is good.

The moral instruction given on the Sabbath, under the supervision of the Agent, by the clergy of different denominations, has been productive of good, and gives general satisfaction.

In the case of discharged convicts, the Agent has given particular attention to this class of prisoners, and as on former occasions, so during this year, he has, from time to time, furnished them with necessary articles of clothing, and with sufficient money to meet their immediate wants. In some instances he has provided them with temporary homes, or obtained for them self-supporting employment, or when required, railroad tickets have been procured to take them to their distant friends. Many of these were discharged females, who were taken to the Howard Home, or to the Rosine Asylum, where they will be cared for and instructed in useful occupations. Men, in many instances, have been provided with homes at the House of Industry in Catharine Street.

Out of the number of cases released during the year, eighteen were proper subjects for the Insane Asylum. Several of these had been previously inmates of that institution, and had eloped, or had been discharged, and were arrested and sent to prison for various offences. The Agent saw that they were discharged and taken to the Asylum.

The general approval of the press, and the continued approbation of the Judges of the Court, together with the support and encouragement given by the Inspectors, as well as the kind co-operation of the Society, not only encourage the Agent, but cause him to feel thankful that he is permitted to continue in this good work, which involves so much responsibility. This induces him to persevere in the path of duty with increased energy, with the hope that, under the Divine direction, his labors may be such as, not only to make



him more useful to unfortunate and oppressed prisoners, but also to meet the approval of Him whose blessing is upon all who are sincere in their efforts to benefit their fellow-men.

All of which is respectfully submitted.

WILLIAM J. MULLEN,  
*Prison Agent.*

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## AGENT.

The following article from the pen of the Hon. JOSEPH R. CHANDLER, we give as we find it recorded in the Society's Journal for the year 1865. It alludes to the labors of the Agent, and is intended for the information of those who may feel interested in the Agency. As the writer is disinterested, and visits the prison twice every day, devoting all his time to the relief and welfare of the prisoners, in his connection with his official duties as an Inspector and a member of the Prison Society, he is in a position which enables him to know precisely what the Agent has done—particularly so, as he has made himself acquainted with the history of most of the cases which the Agent has had released, he having previously drawn the Agent's attention to many of them.

“Mr. WILLIAM J. MULLEN is still the Agent of the Society, and is constant and indefatigable in his labors to carry out the views of those by whom he is appointed; and it appears to be greatly promotive of the object of his work, that he is also the Agent of the Board of Inspectors of the County Prison; so that there is scarcely a beneficial act which he reports to the Society, and receives therefor its approbation, that is not, at the same time, quite within the humane and just views of the Inspectors. And it is gratifying to know that that body regard with entire approval the labors of Mr. MULLEN in behalf of some of the unfortunate persons that are committed to the County Prison.

Of course, a large proportion of those who are imprisoned for misdemeanors and felony, have committed the crime with which they are charged: they may indeed hope to defeat all efforts to prove their guilt, or they may seek to create such doubts as may work to their benefit; but many of them are really guilty, and deserve punishment. But guilty as they are, they have some rights as human beings, and they

have interests that may claim respect of some one. And even with these the Agent has some business. He is to be appealed to for assistance in various ways, such as justice permits and mercy demands. He may find something to do in arranging the outside business, and especially the family affairs of the criminal, so that, while the husband and father may be called to suffer, the innocent wife and the dependent children may have all possible aid from what he can secure to them. The business of the Agent is only to assist such a prisoner in the use of whatever right is left to him; it is not to interpose himself, or his employers, between justice and its legitimate victims.

Another class of prisoners are committed on suspicion; and no proof can be furnished of their guilt, save the somewhat vague *ex parte* oath upon which the magistrate founds the commitment. It might be supposed that no agency would be required to save such a prisoner from a verdict of guilty and its consequent imprisonment, and little risk would be incurred, in leaving such a case, generally, to the discrimination of a jury, under the proper instruction of the court. But when is that judge to instruct the jury, and that jury to try the case? Such prisoners often remain in prison for several months. Not being able to procure bail, they must await the sitting of the court, and then just in proportion to their innocency is the likelihood that their case will not be acted on; and this from no neglect of duty on the part of the prosecuting officer. With the immense amount of business constantly pressing upon his office, he naturally takes the case which startles most by its criminality; or, when calling up those of minor character, he is likely to take those for which witnesses have been supplied. Hence the person suffers longest who is imprisoned for some small misdemeanor, that would scarcely have been noticed but for the malice of the prosecutor, who, knowing the weakness of his case, is willing to wreak his vengeance on the offender by letting him suffer, from want of testimony to prove his guilt. Into these cases the Agent at once inquires, and, satisfied of the innocence of the accused, or that the offence has been more than expiated by the imprisonment which he undergoes on the charges without a trial, he proceeds to arrange a settlement with the prosecutor, and, failing in that, he forces the case into court, (with the consent of the District Attorney,) and thus procures the release of the sufferer, and sometimes the punishment of him who, in the indulgence of a bad spirit, brought about that suffering. We do not mean that the Agent is the Nemesis of the criminal laws; but it is certain that the exposure of a great wrong often inflicts a greater injury upon the offender than he had purposed to the offended. It seems almost impossible to preserve the operation of the criminal law from oppressing those who by accident or error may be placed within its action. The stranger arrested on a trumped-up charge, is as liable to the prison as the most guilty. As a stranger, he is likely to be without friends to go his bail; and still more likely to be without means to pay for defence. His case is at once brought to the attention of the Agent. And, indeed, it may be said of the Agent, with regard to all these matters, that "the cause which he knows not he inquires out;" and some extracts which we shall give from his monthly reports will show the results of his labors.

It must not be inferred that in all the cases in which the Agent interferes, the

prisoner is, or is supposed to be, innocent. The question is not, in many cases, as it regards the fact, but as it regards the extent of depravity, and the effect of continued punishment, and the effect of the loss of time, and the influence of bad associations, not on the prisoner alone, but upon his family.

Sometimes the child is arrested for pilfering. Inquiries are instituted as to the frequency of the act, the character of temptation, and the chance of saving the offender, if legal punishment is withheld.

Sometimes the parent commits some act of violence, of which he is ashamed, and it is evident that imprisonment is only multiplying trouble at home. The Agent visits the prosecutor and modifies his feelings, and then procures from the magistrate a discharge for the offender, who perhaps never before saw the inside of a prison, and by the good feeling restored, is placed in a situation which seems secure from any likelihood of his again occupying a cell.

Family differences are often healed by the timely interposition of the Agent. Coarse habits, some of them on both sides, often lead to quarrels between the husband and wife, and the one that is strongest, and who does the most harm to the other, frequently completes the wrong by sending the sufferer, not always innocent, to prison. Hundreds of this kind of cases are acted upon every year; and when an Inspector of the prison can find time to acquaint himself with the circumstances of the inmates of the cell, he may do much good by exercising his authority to dismiss the prisoner, if in his power, or by calling the attention of the Agent to the matter.

There is one class of cases to which, in former reports, we have referred, and which are always worthy of the notice of those who visit prisons with a view and an ability to discriminate: it is that of Disorderly Houses. All, in cities, understand pretty well what this term implies, and all who understand the ways of the city know well that the charge might be made with great justice in hundred of instances which never reach the magistrate's docket. But in many of the cases that reach the prison record, it is found that the prisoner has not been disorderly, has not done any thing unusual, has not openly committed any wrong. But the poor creature had hired, for one dollar a week, a room of some tenant of the whole house, and, in the mutation of things abroad, a person can be found who will pay one dollar and a-half a week; and if the one-dollar tenant will not at once come to the new terms, nor quit the house, she can be forced to the one or the other by sending her down to prison on a charge of "disorderly house." Nothing, of course, is to be proved, in Court, against the prisoner, *when the day of trial* shall arrive. But what utter ruin for him or her to await that time! Such persons cannot find bail; and so the Agent sees the prosecutor, and the charge is withdrawn, on condition of leaving the house,—and thus fraud and falsehood gain the day. Of course, hundreds of these charges are well founded, that is to say, disorder exists; but even in such cases the motive for making the charge is little better than that which we noticed above, and the disorder only becomes intolerable when something can be gained by bringing an accusation.

One very important office of the Agent is to receive the prisoner when he has completed his time, to conduct him to some establishment where employment may

be obtained—or failing to find such a place, or the prisoner—preferring to go “home,” the Agent procures for him a railroad pass, and supplies him with clothes and means for food till he reaches his destination. Much good in this way has been done for young women who, led into vice and crime by city habits, have desired to return to their parents. And in this connection it may not be improper to say, that the several Railroad Companies having termini in Philadelphia, have been most charitable in supplying free tickets, on the application of the Agent, for those who would have continued to do wrong, and to come to the prison, if they had not been helped away.

The whole statement of the Agent, of his success in dealing with important cases, will prove exceedingly interesting to the reader, as they are creditable to him. They will be found at some length in his Annual Report; but not more than five or six per cent. of all the releases which he procures are mentioned, as most of them are regarded as of less interest. But, in reality, the thousands of cases in which his interference restores the husband or the wife to the family, or saves a boy from becoming a confirmed thief, or a girl from being an abandoned woman, deeply concern society, and are thus important. Those who would know how much interest these trifling cases have, should see the earnestness of relatives to procure their settlement, and hear the thanks of the released for the successful efforts in their behalf.

Of the many thousand dollars saved to the city by the interference of the Agent in cases which he settles, we say nothing, as our business is with the humanitarian side of the question, not with the pecuniary; though at the present moment even the latter is not unworthy consideration.”

We also quote the following from the last Annual Report of the Prison Inspectors, written by Dr. BIDDLE, the President of the Board, who is fully acquainted with the labors of the Agent. As it gives the views of the Inspectors on this subject, we insert it.

“The services of the Agent, Mr. WILLIAM J. MULLEN, are eminently useful and acceptable, in the performance of the peculiar duties which devolve upon him. The Board entertain undiminished confidence in his integrity and zeal in the execution of the delicate and responsible functions of his office. The records in the Agent's Journal furnish abundant evidence that the present system of magistracy is an engine of fraud, extortion and oppression. The duties of this officer are chiefly devoted to the abatement and restraint of oppressive and illegal acts on the part of committing magistrates.”

The following is a Selection of Cases, illustrating the commitments and their character :

NUMBER 1—Was the case of a German boy, who was arrested and committed to prison on the charge of larceny. After investigating the case, the Agent went to

the Alderman, and saw that the boy was immediately released. This was a very remarkable case. The prisoner was a boy about seventeen years of age, who came to this port in a German vessel, and did not understand much of our language. He was kidnapped from the vessel by a man who took him to Trenton, New Jersey, for the purpose of putting him in the army, in the hope of getting the bounty. The boy, however, refused to enlist, or to give his consent to this proceeding.

He was then brought back to Philadelphia and put into the hands of a shipping master, who had him shipped, and received fifty dollars (\$50) of his advance pay, no portion of which was given to the boy, but twenty dollars were given to the man that kidnapped him and tried to dispose of him at Trenton. The boy refused to be shipped, and because he would not, a false charge of larceny was made against him, and he was sent to prison. This was done in the hope of frightening him, and in this way forcing him to ship or enlist.

The parties accused him of stealing a coat. The investigation of the Agent showed that they had loaned him the coat which they accused him of stealing. This charge was made a pretext, to enable them to imprison him until he should consent to be disposed of as they wished. The Agent went to the committing magistrate, and to the prosecutors, and told them, in a manner not to be misunderstood, that if they did not immediately release the boy from prison, that he (the Agent) would bring the case before the Court, in such a way that would not only insure the prisoner's release, but would, in all probability, result in the imprisonment of those who had conspired against this unfortunate young stranger. When this had been said to the Alderman, he sent for the parties, who consented to the immediate release of the prisoner.

This case was truly distressing, as he was a stranger in this country, and without friends. It was a clear case of conspiracy on the part of bad men, who were willing to sacrifice this boy, to put money into their pockets. As it was, he was at once discharged and cared for.

NUMBER 2—Was the case of a colored woman, who was accused of larceny, an offence of which she was not guilty, as was shown upon an investigation of the case by the Agent. The fact was, that the prisoner had benevolently taken the prosecutor, who was a white woman, into her house and given her shelter for the night. On the next morning, this woman took a portion of her clothing and pawned it, then went into a rum-shop, purchased rum and got drunk. She left the pawn-tickets in the rum-shop, with her own name upon them. This showed that she had herself disposed of the very clothing which she had accused the prisoner of stealing. After the Agent had discovered this fact, he informed the magistrate, who promptly discharged the prisoner, instead of detaining her for trial at the next court.

NUMBER 3—Was the case of a man who was charged with the larceny of two newspapers from the premises of one of our principal hotels. The prisoner said that he did not steal the papers; that a gentleman, who was a stranger, bought them, read them, and then threw them away, when (the prisoner) gathered them up. The Agent inquired into his character, and found it good. He had been employed as a book-keeper, in a mercantile house in this city, for eight years, and only left when his employers gave up business. The proprietor of the hotel, where the alleged

offence was committed, gave the Agent a written statement, to be presented to the District Attorney, asking for the immediate release of the prisoner, which was cheerfully given by the Court. The prisoner was respectably connected, and his prompt discharge was appreciated by himself and family.

NUMBER 4—Was the case of a colored woman who had been committed to prison on the charge of larceny. On an investigation by the Agent, it was ascertained that she had received two articles, from the prosecutor, to wash. While in her charge, some person, in her absence, had stolen them. The prosecutor was not satisfied with her account of the matter, and had her arrested and committed upon the above charge.

The property was afterwards found in a pawn-shop, where it had been pawned by the thief in her own name. The Agent informed the magistrate of these facts, and showed that the prisoner had been robbed of these articles by the party who pawned them. The prisoner expressed a willingness to pay for the articles, as soon as she was able to do so; but this availed her nothing, and she was committed to prison. When the true state of the case was made known to the magistrate and the prosecutor, the prisoner was honorably discharged.

NUMBER 5—Was the case of two colored men, who were strangers in our city; one had been committed for assault and battery, and the other upon the charge of swindling. An investigation showed both of these charges, not only to be false, but that the prosecutor himself was actually the guilty party, he having robbed one of the prisoners of his watch, and taken from them a bag containing clothing, which belonged to both of them.

All this was done for the purpose of distressing them, in the hope of compelling them to enlist for three hundred dollars (\$300) each, which was the amount this unscrupulous man offered them, being less than half the sum the Government and the ward associations were giving at the time.

As they were British subjects, just arrived from Nassau, and as they did not wish to enter the army, they refused his offer, asking him, at the same time, to restore their property. He declined to do this, and because they complained of his bad conduct, he brought the false charges against them, and had them sent to prison.

The Agent immediately applied to the Court for a writ of *habeas corpus*. This was granted by Judge LUDLOW, and, on being brought before the Court, they were discharged. The Agent then accompanied them to the British Consul, who took charge of them, supplied them with comfortable lodgings, and promised, at the same time, to send them back to Nassau. He also said he would compel the prosecutor to give up the watch and clothing which he had taken from them.

NUMBER 6—Was the case of a man and his wife who had been imprisoned by his sister, upon the charge of larceny. The offence consisted in the wife having taken some clothing out of a trunk, and which she pawned for five dollars, to enable her to get bread for her starving children. The husband was out of employment at the time. It was mid-winter, and they were without fuel to keep themselves and their children warm. Their three little ones were really in a suffering condition at the

time when this woman took the things which her sister-in-law had left in her care for safe keeping.

She hoped that her husband would soon get employment, and earn some money to enable her to redeem the articles before her sister-in-law came for them; but her hopes, in this respect, were not realized. When the sister discovered that her clothing had been taken from the trunk, she was very angry, and, in the excitement, sued them, and had them committed to prison.

Thus they were separated from their children, who were left locked up at home, with no person to care for them. The Agent immediately called upon the prosecutor, and reasoned with her, when she consented to the release of the prisoners, and expressed her sorrow for having imprisoned them. She at once offered to pay all expenses, and they were discharged.

NUMBER 7—Was the case of two colored women, who were very poor, and earned their living by washing. One of them had an infant with her, at the breast. She had received some clothing from a man, to wash. When she had finished the job, she expected the pay for what she had done, to enable her to get the necessities of life for her family; but in this she was disappointed. The owner of the clothes informed her that he had not money enough to pay for the washing of all of them, but would pay for a part, and would leave the remainder until he came again. She told him this would not suit her, that she wanted the pay for the washing at once; but he did not pay her. Subsequently she requested the girl, who lived in the house with her, to take the things and pawn them for a sufficient sum to pay herself the balance for the washing.

The owner came for the remainder of his clothing, when she told him what she had done with them, and offered him the ticket, that he might redeem them. He declined to do this, sued the two women, and had them committed to prison, together with the infant. After this, the Agent saw that the things were redeemed and returned to the owner, when the prisoners were immediately released.

NUMBER 8—Was the case of a woman who was improperly committed to prison upon a charge of the larceny of a cloak. The investigation showed that the cloak had been given her, by the owner, to pawn. The Agent saw the prosecutor, and obtained her consent to the release of the prisoner, and to pay the costs. The prisoner was confined of an infant during the short time she was a prisoner. She had, also, a little boy at home, who needed her care. The prosecutor took charge of him while his mother was imprisoned.

NUMBER 9—Was the case of an old man and his son, imprisoned by his wife, upon the charge of assault and battery. She was the second wife, and there were two sets of children. She desired him to put his children out of the house, and to retain hers. He refused to this. He and his son were very industrious, and were good workmen. They were willing to work for the support of all; but this did not suit the wife: she wanted the house to the exclusion of his family. About this they quarrelled, and came to blows. The son protected the father, and she had them both committed to prison. The Agent succeeded in convincing her and the

magistrate that they were wrong in having them imprisoned. They then consented to their discharge, and the difficulty was adjusted by the Agent's interference.

NUMBER 10—Was the case of a soldier who was on furlough. He had been over a year in the Libby Prison, and had suffered everything short of death. While passing through our city, on his way to New York, some person treated him, drugged his liquor, and robbed him of over one hundred dollars, and then had him committed to prison upon the charge of abuse.

The Agent saw that he was immediately released, and gave him some money to assist him on his way to New York.

NUMBER 11—Was the case of two women, mother and daughter, who were imprisoned upon the charge of the larceny of five dollars from a sister-in-law.

The money had been taken by the daughter, who believed she had a right to it. This money had been left by the brother, with his wife, to be used for the benefit of his sister, if she needed it, during his absence in the army. His sister, one of the prisoners, was a cripple, and had been sick for five months. Her mother had nursed her and cared for her in the absence of the son. They were in want of the necessities of life, and asked the sister-in-law for some money; but she was selfish, and would not give them any. The consequence was, that the sick sister went to the trunk, and took out five dollars, and expended it for the benefit of herself and her mother. For this they were both committed to prison. The agent went to the prosecutor, and convinced her that she and the magistrate had committed a great wrong in imprisoning, under the circumstances, the mother and sister of her husband, in his absence.

When she was made to understand, in a manner not to be mistaken, that her husband would, in all probability, hold her accountable for improper conduct toward his mother and sister, she consented to their immediate release.

NUMBER 12—Was the case of a mate of a vessel, who had borrowed seventeen dollars (\$17), fourteen years ago, from a sea captain. The parties met in about ten months after the money had been borrowed, when the prisoner paid seven dollars on account. They met again in about a year from this period, when a second instalment of nine dollars was paid by the prisoner, which left but one dollar to be paid. They then separated, and, subsequently, in about twelve years, met again in this city, when a dispute arose between the parties about the balance owing. The captain contended that the balance due him was ten dollars, with interest, instead of one dollar, as the prisoner said. The result was, the prisoner was arrested and committed to prison for the debt. As the imprisonment was illegal, the Agent applied for a writ of *habeas corpus*, and had him discharged by the Court, in time for him to take his position in the vessel before she sailed from our port. This was accomplished by Judge ALLISON authorizing his discharge, he was released without costs.

NUMBER 13—Was the case of a young officer belonging to the Navy. He had indulged too freely in intoxicating liquors, and, while on his way home, at a late hour, sat down upon the foot-path and fell asleep. Subsequently he was aroused by a police officer, who, as the prisoner thought, handled him rather roughly, and he



therefore made some resistance, and tore the officer's clothing, for which he was sent to prison. The Agent saw that the officer was compensated for the damage done, and the prisoner was immediately released, and permitted to return to his position in the Government service.

NUMBER 14—Was the case of a woman who had been treated with cruelty by her husband. He came home about four o'clock in the morning, knocked at the door, and asked to be admitted. His wife came down and let him in, but complained of his improper conduct, when he struck her on the face, knocked her down, and beat her so badly that she became insensible. He then dragged her, by the hair of the head, into the yard, at which time the neighbors interfered and prevented him from committing any further violence upon her. After he had done this, he went to an alderman's office, sued her, and had her committed to prison upon the charge of assault and battery,—an offence of which she was not guilty, but, on the contrary, her bruised and battered person bore unmistakable evidence of the terrible assault he had committed upon her, while he was in a state of beastly intoxication. Notwithstanding all this, which was self-evident, she was committed to prison upon the testimony of this drunken husband.

The case was immediately investigated by the Agent, who saw her neighbors, all of whom spoke well of her, and were willing to bear testimony to the inhuman treatment which she received from her husband. When the Agent made known these facts to the alderman, he at once gave an unconditional discharge, without costs, and she was permitted to return to her home and take charge of her children.

NUMBER 15—Was the case of a respectable Jewess, who is a widow, having two children, one a boy, in Girard College, and the other an interesting little girl. Her opposite neighbor had quarrelled with her, and had broken down her grape-vines and flowers. For this the prisoner had sued her, and had her bound over to appear at Court, upon the charge of *malicious mischief*. As soon as this was done, the party sued her, before the same magistrate, upon the charge of assault and threats, an offence of which she was not guilty. As she was poor, and unable to find bail, she was committed to prison. Her little daughter went to the College and informed her brother of their mother's imprisonment. The Superintendent of the College gave him liberty to go and look after the case, provided he would return by ten o'clock in the evening. He came to your Agent, in the prison, accompanied by his little sister, and begged, in tears, for the release of their mother. The Agent took charge of the case, went to the prosecutor, and prevailed upon her to accompany him to the alderman's office, and give consent to the settlement of the case, with the understanding that the prisoner should withdraw the charge that she had brought against the prosecutor. This was agreed to, and both suits were settled to the satisfaction of all concerned. In this manner, through the Agent's interference the prisoner was released in a few hours after she had been committed.

The children were greatly rejoiced at the liberation of their mother, and the boy had the satisfaction of taking the discharge of his mother to the prison, about nine o'clock in the evening, in time to enable him to return to the College by ten o'clock, as he had promised.

NUMBER 16—Was the case of a mother and her daughter,—the latter had an infant at her breast. They were wrongfully imprisoned, upon the testimony of a drunken woman. It was a charge of assault and battery, which consisted in the prisoners having put the prosecutor out of the house, as she was making a noise, at a time when two females were lying sick of the typhoid fever. When the case was properly explained to the magistrate, by the Agent, the parties were at once released, and were permitted to return home and resume the charge of their sick friends.

NUMBER 17—Was the case of a beautiful, and an innocent, girl of about seventeen years of age, who was the only child of a widowed mother. She had been raised with great care, but the mother had over persuaded her to marry an elderly man, whom she did not like. He was in good circumstances, and able to make her comfortable; but, as she did not like him, she left him, and again married a *young man*, who was more congenial to her feelings. He was not a good man, but made himself agreeable to her, and took her to live at a disreputable house. When her mother and her first husband discovered where she was living, they took her away and placed her in the House of the Good Shepherd. Subsequently, the second husband induced the woman who kept the house of ill-repute to accuse the girl of having stolen an article of jewelry, of the value of thirty dollars; this charge was a fictitious one, made for the purpose of bringing her out of the benevolent institution by a process of law, with a view of entering bail for her, in order that the parties might again get possession of her.

When the Agent, upon inquiry, ascertained that she was not guilty of the larceny, he procured her release from prison and placed her in the hands of her mother, who took her back to the House of the Good Shepherd, where she will remain under the care of the Sisters of Charity, and will receive such instruction as will tend to make her wiser and better. She promised amendment in future, and the sincerity of her repentance was evinced by her frequently shedding tears.

NUMBER 18—Was the case of a woman who had been committed for a debt of eighty cents. She was a respectable woman, a school teacher by profession. The Agent applied for a writ of habeas corpus, and had her immediately brought before the Court, when she was discharged by order of Judge Allison, who said, "This woman has been sent to prison for a debt amounting to eighty cents, and when brought up the prosecutor refuses to appear and testify, and this has happened in a christian country. *Let her be discharged*" While making these remarks the manner of the Judge showed how much he disapproved of this illegal act on the part of the magistrate.

NUMBER 19—Was the case of a sailor who had been committed by mistake upon a charge of threats. He was not the man whom the magistrate intended to commit for the offence, the real offender had entered bail and was at liberty. By some mistake at the station house, the commitment got into the hands of an officer who served it upon this innocent man, and he was taken to prison, where he was detained about a month before the Agent was able to effect his release, notwithstanding his repeated efforts to convince the magistrate of his mistake.

NUMBER 20—Was the case of a soldier who was accused of stealing several hundred dollars. A handkerchief was found in his pocket, which, on investigation, showed had been placed there by another person. This handkerchief belonged to the prosecutor, and had been placed in the pocket of the prisoner while he was asleep in a restaurant, where it was said the robbery was committed. The Agent succeeded in finding a witness who saw the transaction about the handkerchief, supplied the prisoner with counsel, and he was honorably acquitted by the Court, as he was not guilty.

NUMBER 21—Was the case of three young men who belonged to a government steamship, and were on their way by railroad from New York to Baltimore. They were suspected of taking part in a fight which occurred in the cars, but upon investigation it appeared that they were in no way connected with the affair at the time, other than they were passengers in the cars. As they were strangers and had been improperly imprisoned, the Agent saw that they were promptly released and allowed to proceed on their journey through our city.

NUMBER 22—Was the case of an interesting young girl about sixteen years of age, hailing from the State of Delaware. She was committed upon the charge of larceny of a few articles, the value of which was less than one dollar. The Agent obtained her discharge from the alderman and took her to the *Howard Home*, where she will remain for one year and receive such instruction as will tend to her future well-being.

NUMBER 23—Was the case of a soldier who had been committed upon the charge of deserting his wife. He had been wounded at the battle of Cold Harbor, and was still in the service. He had been sent to the hospital at Chestnut Hill, as his wounds were not yet healed. While there he was arrested, taken from his sick bed and committed to prison upon the testimony of his wife, who charged him with deserting her. All this was accomplished upon the authority of the Guardians of the Poor, in whose name this sick soldier was imprisoned. He has received but a small portion of his pay in sixteen months. As he was suffering for want of surgical assistance, such as he had been receiving in the hospital, the Agent applied to the Solicitor of the Guardians and had the prisoner released, and saw that he was supplied with sufficient means to enable him to return to the hospital where he belonged. His imprisonment was not only unjust and cruel, but was a flagrant violation of law, inasmuch as he had not, in any case, deserted his wife.

NUMBER 24—Was the case of a discharged soldier who was charged with wife desertion, a charge of which he was not guilty. On his return home from the army after three years service, he purchased a barrel of flour, three tons of coal, which were then in the cellar, and gave his wife three hundred and sixty-five dollars (\$365). He then procured a job of work at tailoring, and was at work on this at his own house when he was arrested and committed to prison, on the testimony of his wife upon the charge of *deserting his home*. He was scarcely in prison when the Agent had him released, by making a statement of the facts to the Solicitor of the Guardians, who at once consented to the discharge of the prisoner; and thus he was

liberated from this most absurd accusation, which it is difficult not to believe, was instituted by his wife for the purpose of getting him out of the way in order to make room for another.

NUMBER 25—Was that of two young men who were tried and convicted upon the charge of stealing twenty dollars (\$20). The investigation showed that one of the parties was a discharged soldier, that he was insane, that he did not steal the money, and that he had nothing to do with taking it, but he was afterwards seen in company with the thief who gave him a portion of the money. When this explanation was given by the Agent to the Court, accompanied by a certificate from a physician which showed that he had been an inmate of an insane asylum, the sentence was reduced by the authority of the Court from eighteen months to four months imprisonment. This reduction of sentence rejoiced the heart of his widowed mother, who gratefully thanked the Agent for his interference which had resulted in lessening the suffering of her unfortunate son. He was a youth of about nineteen years of age, and was in prison for the first time.

NUMBER 26—Was that of a man who had been tried and convicted upon the charge of assault and battery, and sentenced to eleven months imprisonment. He had an interesting family, consisting of a wife and three children that were in a destitute condition, which was occasioned by his imprisonment. In view of this, and to save them from ruin in their helpless state, the Agent procured from the prosecutor a letter to the Court, asking for the immediate discharge of the prisoner. This was cheerfully granted by Judge Allison, who reconsidered the sentence of the prisoner, and he was released. There were mitigating circumstances which warranted this course, as it was afterwards shown that he got into the difficulty by endeavoring to prevent two men from beating and seriously injuring another man while he was down and unable to help himself, and thus while in a state of excitement he struck the party who prosecuted him. He was an industrious man, whose previous character was good; his release gave universal satisfaction, especially to his family who much needed his support.

NUMBER 27—Was the case of a poor woman who was tried and convicted, together with another woman, upon the charge of larceny; they were sentenced to one year each. Upon an investigation by the Agent, it appeared that they got into the present difficulty by one of the women taking out some shirts to make; she being destitute of the necessaries of life at the time, and the prisoner having a family of children in the same condition, she consented to take the shirts and pawn them, when requested to do so by the other party who had received the shirts to make up. She did this with the understanding that they were to be redeemed, made up and returned to the owner, but before they had succeeded in doing this they were arrested, tried and convicted. When the case was explained to the Court, Judge Thompson reduced the sentence of the one that pawned the shirts from one year to three months imprisonment.

NUMBER 28—Was the case of a young soldier who had lost his arm upon the battlefield. He was taken to the hospital, and after a protracted detention there, and

before he had fully recovered from this injury, he was taken to his home in a feeble and exhausted condition. Soon after this he became sick of the typhoid fever, and while he was not yet out of danger from this disease, and when he was sick and delirious, he got out of his bed and took some clothes belonging to his sister-in-law and pawned them. When she discovered what he had done she became very angry and quarreled with him, when he in his frenzied condition struck her. This provoked her, and in the excitement of the moment she went to a magistrate's office, sued him, and had him committed to prison upon the double charge of assault and battery and larceny. Subsequently he was tried, convicted and sentenced to three months imprisonment for the assault and battery, with an additional sentence of eighteen months for the larceny. When his respectable sister, who resides in Baltimore, heard of this, she came immediately to this city and informed the Agent of all the particulars. The physician that attended him was seen, as was also the prosecutor, who gave a letter to the Agent, in which she acknowledged her error in having prosecuted him, she regretted this the more as she was now satisfied that he was not fully in his right mind at the time when he committed the offence. When the Agent informed the Court of these facts, Judge Thompson reconsidered the sentence and released him from prison. He was then taken charge of by his sister, who took him to her home in Baltimore with the intention of caring for him in the future.

## SCHEDULE

*Of the offences of which the parties were accused, showing the number of cases discharged from the Philadelphia County Prison from January 1st, 1865, to January 1st, 1866, through the interference of W. J. MULLEN, Prison Agent, their further detention not being deemed necessary, as it did not appear, upon investigation, that they were guilty, or if so, as was the case in some instances, the punishment they had already suffered was regarded as sufficient.*

| OFFENCES.                 | January. | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. | December. | TOTAL. |
|---------------------------|----------|-----------|--------|--------|------|-------|-------|---------|------------|----------|-----------|-----------|--------|
| Assault and Battery.....  | 10       | 15        | 15     | 25     | 35   | 30    | 48    | 63      | 58         | 40       | 29        | 37        | 400    |
| Misdemeanor.....          | 11       | 10        | 36     | 18     | 18   | 25    | 33    | 40      | 55         | 49       | 25        | 45        | 365    |
| Larceny .....             | 8        | 21        | 16     | 24     | 14   | 29    | 32    | 30      | 29         | 14       | 16        | 16        | 249    |
| Malicious Mischief.....   | 3        | 5         | 2      | 7      | 8    | 1     | 6     | 5       | 8          | 3        | 11        | 8         | 67     |
| Disorderly House.....     | 2        | 2         | 4      | 4      | 4    | 4     | 3     | 8       | 2          | 3        | 1         | 4         | 41     |
| Wife Desertion.....       | ...      | ...       | ...    | ...    | ...  | 2     | 1     | 3       | 2          | 2        | 3         | 1         | 14     |
| Abuse .....               | 1        | 4         | ...    | 5      | ...  | 5     | 15    | 12      | 4          | 3        | 5         | 1         | 55     |
| False Pretences.....      | ...      | 2         | ...    | ...    | ...  | ...   | ...   | 2       | 1          | ...      | ...       | 1         | 6      |
| Abandoning Apprentice..   | ...      | ...       | ...    | 1      | ...  | 1     | ...   | ...     | 1          | ...      | ...       | ...       | 3      |
| Concealed Weapons.....    | 1        | 1         | ...    | 1      | ...  | ...   | 1     | 2       | 3          | 2        | 3         | ...       | 14     |
| Nuisance .....            | 2        | ...       | 2      | ...    | ...  | 1     | 3     | 2       | ...        | ...      | ...       | ...       | 10     |
| Assault and Threats.....  | 1        | 5         | 7      | 5      | 4    | 5     | 16    | 7       | 11         | 4        | 5         | 6         | 76     |
| Mutiny .....              | ...      | ...       | 5      | ...    | ...  | ...   | ...   | ...     | ...        | ...      | ...       | ...       | 5      |
| Riot and Inciting to Riot | ...      | ...       | ...    | 1      | 3    | 5     | 2     | 3       | ...        | ...      | 1         | ...       | 15     |
| Suspicion of Larceny....  | ...      | ...       | ...    | ...    | ...  | 2     | 1     | 1       | ...        | ...      | ...       | 2         | 6      |
| Perjury .....             | 1        | 2         | 1      | ...    | ...  | ...   | ...   | ...     | 1          | 2        | ...       | 1         | 8      |
| Indecent Exposure.....    | ...      | ...       | ...    | ...    | ...  | 4     | 1     | 2       | 3          | ...      | ...       | ...       | 10     |
| Illegal Voting.....       | ...      | ...       | ...    | ...    | ...  | ...   | ...   | ...     | ...        | ...      | 3         | 1         | 4      |
| Adultery.....             | 2        | ...       | ...    | 1      | 1    | 3     | ...   | 4       | 2          | ...      | ...       | ...       | 13     |
| Infanticide.....          | 1        | ...       | ...    | ...    | ...  | ...   | ...   | ...     | ...        | ...      | ...       | ...       | 1      |
| Passing Coun't Money,     | 1        | ...       | ...    | ...    | ...  | ...   | ...   | ...     | 1          | ...      | ...       | ...       | 2      |
| Total, .....              | 42       | 71        | 88     | 98     | 95   | 118   | 167   | 188     | 185        | 200      | 108       | 130       | 1410   |

before he had fully recovered from this injury, he was taken to his home in a feeble and exhausted condition. Soon after this he became sick of the typhoid fever, and while he was not yet out of danger from this disease, and when he was sick and delirious, he got out of his bed and took some clothes belonging to his sister-in-law and pawned them. When she discovered what he had done she became very angry and quarreled with him, when he in his frenzied condition struck her. This provoked her, and in the excitement of the moment she went to a magistrate's office, sued him, and had him committed to prison upon the double charge of assault and battery and larceny. Subsequently he was tried, convicted and sentenced to three months imprisonment for the assault and battery, with an additional sentence of eighteen months for the larceny. When his respectable sister, who resides in Baltimore, heard of this, she came immediately to this city and informed the Agent of all the particulars. The physician that attended him was seen, as was also the prosecutor, who gave a letter to the Agent, in which she acknowledged her error in having prosecuted him, she regretted this the more as she was now satisfied that he was not fully in his right mind at the time when he committed the offence. When the Agent informed the Court of these facts, Judge Thompson reconsidered the sentence and released him from prison. He was then taken charge of by his sister, who took him to her home in Baltimore with the intention of caring for him in the future.

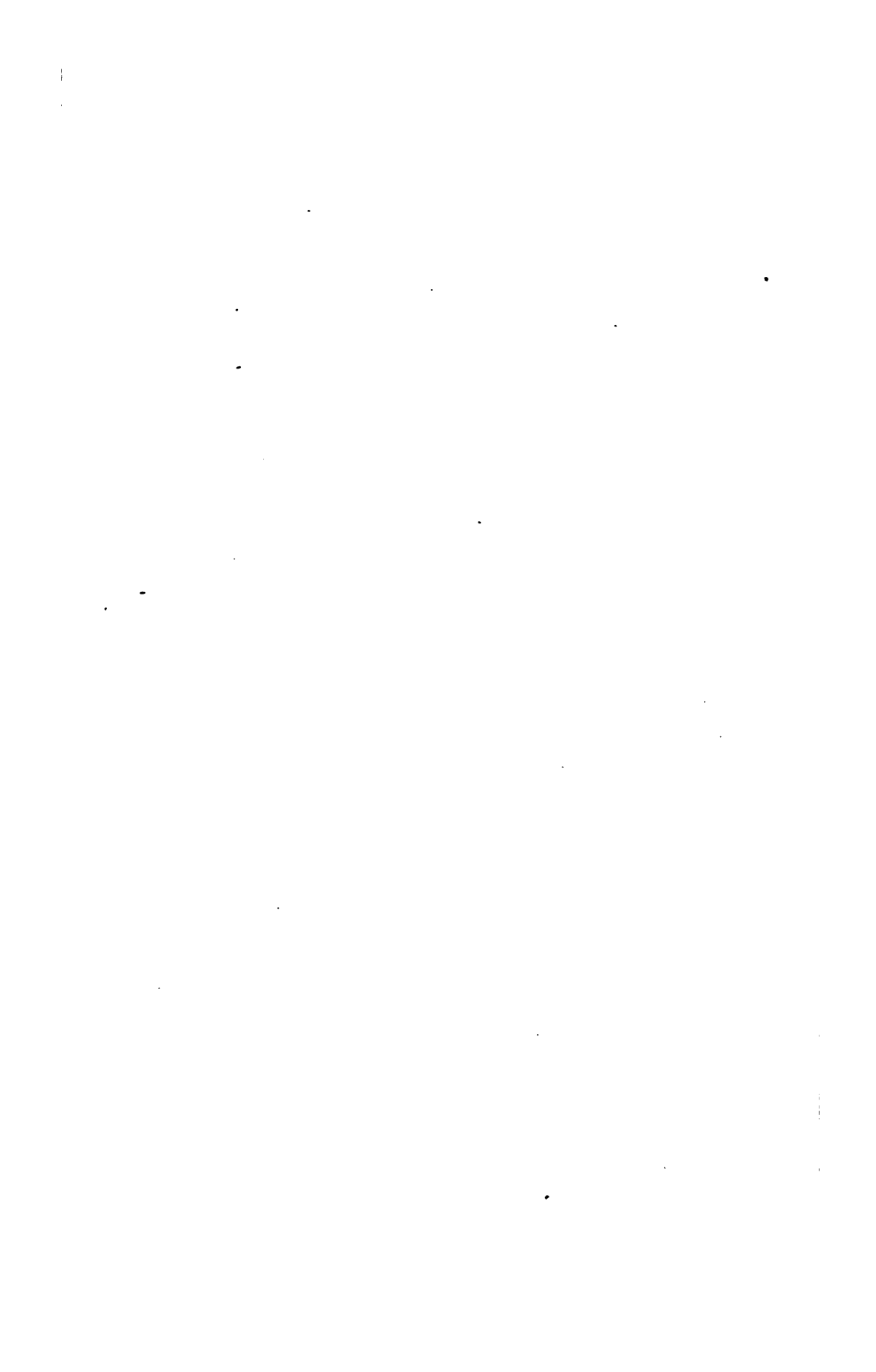
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|---------------------------|----------|-----------|--------|--------|------|-------|-------|---------|------------|----------|-----------|-----------|--------|
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| Mutiny .....              | ...      | ...       | 5      | ...    | ...  | ...   | ...   | ...     | ...        | ...      | ...       | ...       | 5      |
| Riot and Inciting to Riot | ...      | ...       | ...    | 1      | 3    | 5     | 2     | 3       | ...        | ...      | 1         | ...       | 15     |
| Suspicion of Larceny....  | ...      | ...       | ...    | ...    | ...  | 2     | 1     | 1       | ...        | ...      | ...       | 2         | 6      |
| Perjury .....             | 1        | 2         | 1      | ...    | ...  | ...   | ...   | ...     | 1          | 2        | ...       | 1         | 8      |
| Indecent Exposure.....    | ...      | ...       | ...    | ...    | ...  | 4     | 1     | 2       | 3          | ...      | ...       | ...       | 10     |
| Illegal Voting.....       | ...      | ...       | ...    | ...    | ...  | ...   | ...   | ...     | ...        | ...      | 3         | 1         | 4      |
| Adultery.....             | 2        | ...       | ...    | 1      | 1    | 3     | ...   | 4       | 2          | ...      | ...       | ...       | 13     |
| Infanticide.....          | 1        | ...       | ...    | ...    | ...  | ...   | ...   | ...     | ...        | ...      | ...       | ...       | 1      |
| Passing Coun't Money,     | 1        | ...       | ...    | ...    | ...  | ...   | ...   | ...     | 1          | ...      | ...       | ...       | 2      |
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1866.

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William Ingram,  
William R. Mac Adam,  
John S. Higgins.

• ~~DR~~ WILLIAM J. MULLEN is Agent of the County Prison, appointed by the Inspectors, and acting under their direction, and also appointed by the Prison Society.

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THIRTEENTH ANNUAL REPORT

OF

William J. Mullen,

PRISON AGENT.

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**JANUARY 1, 1867.**

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J. B. CHANDLER, PRINTER, 306 & 308 CHESTNUT STREET, (GIRARD BUILDING.)



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1867.



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# THIRTEENTH ANNUAL REPORT

OF

WILLIAM J. MULLEN,

Prison Agent,

*January 1st, 1867.*

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To

JOHN M. WETHERILL:

Chairman of the Committee on County Prison, of the "Philadelphia Society for alleviating the miseries of Public Prisons."

SIR:

The undersigned respectfully submits to your committee the following report of his labors during the past year, as well among the prisoners detained in our County Prison and awaiting trial or examination, as also in relation to discharged convicts.

The arrests made in our city during the past year amount to forty-four thousand one hundred sixty nine (44,169), and the number of commitments to the above mentioned prison was nineteen thousand four hundred sixty-eight (19,468), showing an increase of four thousand nine hundred ninety (4,990) in the arrests, and of two thousand nine hundred seventy-two (2,972) in the commitments, as compared with the year previous.

With this mass of depravity, misfortune and crime before him, intermingled with cases of absolute innocence, it has been the Agent's daily

occupation to select those cases which admit of relief, and to which he has given his most earnest attention; an occupation always laborious, always harrowing, and sometimes discouraging, yet often relieved by instances of conspicuous benefit to the friendless and unfortunate, which greatly cheer and refresh his spirit and encourage him in the work to which he is devoted. While thus over three thousand five hundred (3,500) cases have been examined and inquired into, with some twelve hundred (1,200) letters written and mailed on behalf of prisoners, the Agent succeeded in liberating during the past year fourteen hundred and eighty (1,480) persons from prison, of whom one thousand and seventy-eight (1,078) were males, and four hundred and two (402) females, besides twenty-seven (27) children that had been taken into the prison with their parents.

From a perusal of the Appendix to this Report, where the Agent gives the history of a few of the above cases, the reader will be better able to judge of the character of the various commitments, the majority of which are the result of rashness, intemperance and thoughtlessness on the part of prosecutors, of whom there are some indeed unprincipled enough to use the law for the gratification of their vindictive feelings, and others base enough to make it subservient to their thirst for gain; to all such extortioners, however, the Agent proves himself a thorn by exposing their baseness and by protecting their victims.

It is not to be inferred, however, that all those released were innocent of the offences with which they were charged;—indeed many were guilty, but it must not be forgotten that the guilty alike with the innocent are entitled to human sympathy and human charity; and although the Agent wishes it to be understood, that it is not his desire to shield the guilty or defeat the ends of justice, still he has not failed to interfere in all those cases where the offences were so slight, or accompanied by such mitigating circumstances as to make a longer confinement not only oppressive, but unjust. By promptly interceding with the proper authorities in cases of a slight character, he has been enabled to restore the husband and support to their suffering families, the mother to her children.

Although the Agent is desirous to view his labors from the humanitarian side of his duties, still it may not be out of place here to state, that as all those cases in which releases have been obtained through his interference, were committed to be tried in Court, and would in the ordinary proceedings of the law, have had to be brought before a grand jury; they form also an item of considerable saving of precious time to the Court and jurors, and of unnecessary expense to the county, besides being a saving to the 1,480

prisoners within the year of an aggregate of forty-three thousand five hundred and forty-five days (43,545), or nearly one hundred and twenty years (120) of unnecessary suffering and anxiety.

The liberation of the persons referred to, saved the tax-payers, during the past year, the sum of seventeen thousand two hundred and ninety-three dollars (\$17,293), of which eight thousand five hundred and eighty-four dollars (\$8,584) would have had to be paid for ignoring their cases at \$5.<sup>80</sup>/<sub>100</sub> each, and eight thousand seven hundred and nine dollars (\$8,709) would have been required for their maintenance at twenty cents a day each, had they been detained in prison until the earliest period in the term of the Court for disposing of their cases.

The whole number of persons released through the Agent's interference during the past thirteen years, has been eighteen thousand eight hundred and eighty-three (18,883), at a saving to the county of one hundred fifty-eight thousand and sixty-four dollars fifty-eight cents (\$158,064.<sup>58</sup>/<sub>100</sub>), facts, which from their pecuniary view alone, would create an importance to the mission entrusted to your Agent.

While thirteen hundred ninety-four prisoners (1,394) obtained their liberty through the Agent without cost to themselves, but eighty-six (86) were required to pay the sum of two hundred and ten dollars thirty cents (\$210.<sup>30</sup>/<sub>100</sub>), or an average of \$2.<sup>44</sup>/<sub>100</sub> each to magistrates and other officials.

Of the original number of commitments, there were discharged by the Court, 284; by magistrates, 6,865; by inspectors, 8,140; by various other authorities, 1,308; and prisoners whose terms of punishment expired during the year, 2,313.

While the arrests for various offences during the year numbered more than forty-four thousand (44,000), only four thousand nine hundred and twenty eight (4,928) cases reached the grand juries, of which two thousand one hundred sixty-two (2,162) cases were ignored, and two thousand seven hundred sixty-six (2,766) true bills found. Of these, five hundred and thirty-seven (537) were convicted, sentenced and recommitted to prison. This was done at a cost of thirty-six thousand and seventy-two dollars forty-five cents (\$36,072.<sup>45</sup>/<sub>100</sub>), which formed the expenses of the Criminal Court for the year 1866. This sum does not include the remuneration of the judges, as they are paid by the State; and here we are happy to remark that the Legislature has at last wisely increased the salaries of our judges to something nearer an adequate compensation for their valuable services, connected as they always are with excessive labor and many very onerous duties. Besides this, an additional judge has been

added to the Bench, which will in a great measure relieve them from the inordinate pressure of business heretofore existing. It is also a matter of congratulation to the community that by such a large majority Judge Allison has been elected President Judge, and Judges Pierce and Brewster, Associate Judges. These gentlemen, together with Judge Ludlow, form a bench of upright Judges, to whom we can safely look for a wise and just administration of the law under all circumstances, and to a strict discharge of their duties, however onerous these may be; in fact, their integrity and character are so favorably known to and appreciated by the community, as to make further comment unnecessary. We give the following account of their inauguration as we find it in the Dispatch of December the 9th:—

#### THE NEWLY ELECTED JUDGES.

The Court of Common Pleas, on Monday last, presented an unusual and most interesting spectacle. There was at that time but one Judge of the tribunal, clothed with the authority of the law, and holding office. Three gentlemen who, by the express voice of the people, had been chosen to discharge the duties of Judges for ten years, were about to take the official oaths which bound them to the faithful discharge of the great trusts reposed in them. The Bar was crowded with members of the profession, anxious to witness a ceremony unusual, in consequence of the number of new Judges participating in it, and of much import and solemnity. The official oath having been administered by Judge Ludlow to the President, Judge Allison, the latter administered it to his colleagues, Messrs. Pierce and Brewster. The ceremony was not long in its performance; but it was impressive in consequence of the feeling that it was of the gravest importance to the rights and happiness of every person in the community, and it was made more emphatic at its close by the judicious and persuasive address of Judge Allison, which, although brief, was exceedingly appropriate, in good taste, and pregnant with suggestion. A community is blessed which has pure and honest Courts, anxious ever to do right between man and man, and resolute in the vindication of law. The City of Philadelphia is to be congratulated that it has excellent local judiciary. The Judges of the District Court are eminent for their learning and impartiality; and the Judges of the Common Pleas, under the late administration, have been laborious, faithful, and just. There could not have been a better working tribunal than that which was composed of Judges Thompson, Allison and Ludlow. The appointment of Judge Pierce has been very satisfactory, and his course during his short term of office has been most faithful and impartial. His election upon the expiration of the term for which he was appointed was justly earned, and he gives every promise of value. Judge Brewster is yet to be tried. His fine legal mind, his extensive range of professional knowledge, his quickness and tact, have rendered him a most successful advocate. He has all the personal qualities which are needed in a Judge; and if he remains upon the bench, will give entire satisfaction. We say *if he remains*, because it is known that he will be, or has been, pressed upon Governor Geary for the Attorney-Generalship of the State.

We should regret his appointment ; for, although the State would get an able Attorney-General, the Bench would lose one who would ornament it as a Judge, and who has received a flattering mark of the esteem of the people in the late election by a very handsome majority.

We believe that the public are satisfied with the Court as it is, and wish no change ; and we may say, in view of the fact that the term of Judge Ludlow expires in 1867, we hope that our citizens will unite in requesting that he will be a candidate for another term, and that he will be elected by the popular vote without regard to party. He has discharged his duties with singular industry, unimpeachable honesty and fearlessness ; and as a faithful servant of the community, he deserves this honor as a token of thankfulness for his undoubted impartiality, learning and merit.

The following is an extract from the presentment of the Grand Jury to the Hon. Joseph Allison, Judge of the Court of Oyer & Terminer and Quarter Sessions, in January last :

“The Grand Jury are of opinion that the establishment of a Police Court, with powers specifically defined by law, before which all cases of petty misdemeanors should be heard and decided immediately, would not only save the time of each Grand and Petit Jury, and this Court, and the time of witnesses, but would be an immense saving to the County in the item of costs, and a real good to the parties interested.

“The Grand Jury are also satisfied, under existing laws, very many of the trifling cases that come before them, might and would be settled by the parties themselves, if the Magistrates before whom the cases are heard would give proper instruction and advice. The Grand Jury are compelled, after careful investigation, to report their opinion that three-fourths of all the crimes charged in the bills that have come before them may be traced, either directly or indirectly, to the sale and immoderate use of intoxicating liquors ; and these crimes are frequently committed in and around those places thus licensed by law ; which fact, we think, calls for a revision and improvement in our license system. That this traffic, so pernicious in all its tendencies, and so injurious to the morals of the community should not only enjoy the protection of law for six days of the week in common with honest and respectable avocations, but that it should have the sole and exclusive right to violate the law of the Sabbath, which is plain on the statute-book, is a matter which calls for prompt and vigorous action.”

In the Grand Jury's presentment of March last, they say :

“The Grand Jury are also of opinion that some change ought to be made in the mode of payment to Committing Magistrates ; and it should not be dependent upon the costs of the cases. In some of the cases which have come before the Grand Jury, the prosecutors were not even aware that any bill had been found, and in others the crime, if any, was so trifling, as, for instance, the larceny of a towel, that it really seemed to the Jury as if the matter had been carried on merely to increase the costs. If the Committing Magistrates had fixed salaries without costs, the Grand

Jury are confident that the labors and the costs of the Court would be very much diminished. The County Prison is much overcrowded, and shows fully the necessity of the oft recommended House of Correction. The Inspectors are very efficient and attentive to their duties, and the Prison Agent, Mr. William J. Mullen, wins golden opinions by the kind and considerate manner in which he discharges his duties. In several cases of a trivial character which came before the Grand Jury, they adopted his recommendations, and released the prisoners by ignoring their bills, who on his behalf were entitled to that leniency.

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## INTEMPERANCE AND ITS CONSEQUENCES.

The great object of law is the *prevention* of injustice and crime. The lawgiver who enacts laws for the punishment of crime, and the philanthropist who seeks to alleviate the miseries which result from its commission, must seek out the hidden sources of crime, if they would render their labors salutary and efficient. Your Agent repeats with emphasis, what has been confirmed by the experience of his lifetime, what he has unceasingly urged upon the attention of the public, and what has been repeated in the presentment of every Grand Jury, and by every enlightened jurist, that the great instigator of the crimes which afflict and appall the community, is Intemperance. Its terrible evils are only partially seen in the statistics of our prisons and almshouses, and in the records of the press. The firesides it has desolated, the reputations it has wrecked, and the lives it has shortened and destroyed, are known only to Omniscience. Could a faint conception even of the miseries it has entailed be impressed upon the mind of the community, the horror awakened by the disclosure would lead to measures for its overthrow, in some degree at least commensurate with its magnitude. Experience has shown, however, that an evil may silently attain to the enormity of outrage worked by intemperance, and yet be scarcely suspected by the great body of the community which it is actually desolating. Until some terrible crisis is reached, men, immersed in the cares of business enterprise, can scarcely be expected to look carefully into the causes which are undermining the public morals. Your Agent, therefore, offers another argument, showing the extent of the evil, and appealing on other grounds for its suppression. He has shown in another part of this Report, that in the city of Philadelphia alone, no fewer than forty-four thousand one hundred and sixty-nine (44,169) arrests were made by the police force during the past year. The records of the Courts and Aldermen

show that of these arrests, at least three-fourths ( $\frac{3}{4}$ ) were cases of disorder arising solely from the use of intoxicating liquors. In other words, if some adequate measures for the suppression of the traffic in rum had been devised and carried into effect before the first of January, 1866, three-fourths of all the vast and expensive machinery now needed for the suppression of crime, could have been dispensed with during the last year. To that, and to a much greater extent would the burden of the tax-payer have been diminished. The hands which in that time have been withdrawn from useful labor, and have been engaged in works of mischief, would have been spared to the pursuits of honest industry, and our city would have been enriched by the fruits of their labor. To estimate merely the pecuniary cost of intemperance to our city, we must add to the sums paid annually for the support of our courts and officers of justice, and of our prisons and almshouses, the untold sums which have been lost to the pursuits of business, by the crimes, disease and death of the thousands who have been withdrawn from their proper avocations, and have become a prey to strong drink. The most alarming feature of the evil seems to be in its power of propagation. The number of rum shops which have sprung into existence during the past twelve months is incredible. It has been estimated by those amply competent to know, that there are as many tippling houses in Philadelphia, at this time, as there are public lamp-posts in the streets. In a single district in this city the number of Inspectors appointed by Government, at a salary in each case of five dollars per day, for the supervision of the manufacture of whiskey alone, is more than four hundred (400,) and even that number has been found inadequate to keep pace with the amount produced of this single stimulant. Some idea may be formed of the fearful number of tavern licenses granted to retail dealers in intoxicating liquors, from the fact that within the past year two hundred fifty-seven thousand four hundred sixty-two dollars (\$257,462) have been paid into the State Treasury for the licenses of rum shops in the State of Pennsylvania; of this sum from the city of Philadelphia alone, one hundred sixty-six thousand three hundred eighty-four dollars thirty nine cents (\$166,384 39) were paid for the privilege of establishing so many pest-houses, to fix, like moral plague-spots and festering sores upon the surface of our otherwise beautiful city. This state of things should be remedied by the enactment of a *prohibitory liquor law*.

We would here remark, as we have uniformly done in our Reports for the last thirteen years, that it is greatly to be regretted that our City Councils have not yet made an appropriation for the building of a House of Correc-



tion. Such an institution is imperatively required, in order to relieve the the present overcrowded state of our prison of drunkards and vagrants, who might be made to work and earn their keep, but who, under the present arrangement, are supported in idleness, thereby interfering with the legitimate business of imprisoning convicts, who are now crowded, in many instances, three and four in a cell, instead of one, as the law requires. It is to be hoped that Councils will act promptly on the subject, and make the necessary appropriation without any further delay.

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The Agent considers it one of his most important duties to take special charge of the convicts as they leave the prison at the expiration of their sentences, and to conduct them to some establishment where they can get employment; or, failing to do this, to supply them with temporary homes at the House of Industry, or elsewhere if necessary. In many instances where they are likely to get in with their old associates in crime the Agent prevails upon them to leave the city and go where they are likely to find friends and such assistance as would enable them to make an honest living. In such cases he supplies them with sufficient money and such clothing as is adapted to their wants and condition, in order to prevent their being pointed at as jail birds, which might be the case if allowed to go forth in their prison clothes, in which condition moreover it would be impossible for them to obtain employment, and they would from necessity be driven back again into crime. They are also supplied with railroad tickets to take them to such places as they desire to go to. It is gratifying to know that many, who have been thus aided, are now respectable and useful members of society.

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The economical and judicious management of our Prison Inspectors is deserving of all praise. The Board continue to have the able services of the Superintendent, Mr. Wm. B. Perkins, whose long experience in Prison management eminently fits him for the discharge of the duties assigned him. It is mainly due to their combined efforts in providing for the cleanliness of the Prison, and adopting such wise and timely sanitary measures, previous to the appearance of the cholera, that, while nine hundred persons fell victims to this scourge in our city, there were but six cases of it in the Prison, one of which only resulted in death. Great praise is also due in this respect to the Prison Physician, Dr. Henry Y. Smith, for his indefatigable labors and skilful treatment of the sick.

The moral instruction, given on the Sabbath by the clergy of different

denominations, under the supervision of the Agent, continues to be satisfactory and productive of much good.

Of the persons released during the past year, thirty-eight were proper subjects for the Insane Asylum. The Prison Physician certifying as to their condition, the Agent procured their discharge and saw that they were taken to the Asylum. They had been sent to Prison for various offences of a trifling character.

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The Agent desires to thank the Judges and Officers of the Court for their continued confidence and good feeling toward him. Their courtesy and kindness, which they have at all times shown him in his various transactions with them, have greatly facilitated him in his labors.

The general approval of the Press and the support and kind co-operation of the Inspectors as well as that of your society encourage the Agent in the prosecution of his duties.

The Agent feels that he has great cause to be thankful to the Author of all Good that his life has been spared, and that he has been permitted to continue in a position of usefulness, especially so, while cholera visited our city and when duty called him forth into the midst of the disease for the purpose of settling cases; as it was necessary that an extra effort should be made in order to thin the population of the Prison and prevent the spread of the disease. It is a source of much gratification to him that his earnest endeavors have thus far contributed to that good result which our Prison Annals show in the record of but a single death during the year from this devastating scourge.

All of which is respectfully submitted,

W. J. MULLEN,

*Prison Agent.*

The following remarks are extracted from the Report to the Society for 1866. They are from the pen of the Hon. JOS. R. CHANDLER, whose position as an Inspector and an active member of the Society gives him an opportunity of knowing how the duties of the Agent have been discharged :

#### AGENT.

The Society has the services of Mr. WM. J. MULLEN as its Agent to look to the wants of the untried prisoners, to endeavor to reconcile jarring feelings and interests that have led to an appeal to the law, and also to look after the interests of the convict that is to be discharged from Prison. Mr. MULLEN is extensively known in the work of benevolence, but he is better known to the unhappy families whose disturbances call for interference, than to those to whom this report will appeal. Children, whose fathers have had their heads broken and whose mothers have had their hearts wrung, appeal to Mr. MULLEN as if he was the Providence of their kind; and while he uses persuasion with prosecutors, with the aldermen, and the officers of the law, he procures the release of those through whom comes the daily bread of the family. The old and the young seem to regard his ability to persuade others as an absolute power which immediately *grants* what in reality it only procures.

The amount of domestic misery thus alleviated is beyond all calculation. None can appreciate the blessings diffused among the poor by the good offices of the Agent of this Society, but those who witness the restoration to their families of beings whose sober second thought has led to professions of resolutions that have secured their release. The public have an interest in the success of Mr. MULLEN's labors, as the demands from the Courts upon the treasury of the city are greatly diminished by the number of those he saves from trial, while the arrangement of the cases are not in violation of the true principles of justice.

We also quote the following from the Annual Report of the Prison Inspectors of 1866, written by Dr. BIDDLE, the President of the Board, who is fully acquainted with the labors of the Agent. As it gives the views of the Inspectors on this subject, we insert it.

"The services of the Agent, Mr. WILLIAM J. MULLEN, are eminently useful and acceptable, in the performance of the peculiar duties which devolve upon him. The Board entertain undiminished confidence in his integrity and zeal in the execution of the delicate and responsible functions of his office. The records in the Agent's Journal furnish abundant evidence that the present system of magistracy is an engine of fraud, extortion and oppression. The duties of this officer are chiefly devoted to the abatement and restraint of oppressive and illegal acts on the part of committing magistrates."

## SCHEDULE

*Of the offences of which the parties were accused showing the number of cases discharged from the Philadelphia County Prison from January 1st, 1866, to January 1st, 1867, through the interference of W. J. MULLEN, Prison Agent, their further detention not being deemed necessary, as it did not appear, upon investigation, that they were guilty, or if so, as was the case in some instances, the punishment they had already suffered was regarded as sufficient.*

| OFFENCES.                                  | January. | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. | December. | TOTAL. |
|--------------------------------------------|----------|-----------|--------|--------|------|-------|-------|---------|------------|----------|-----------|-----------|--------|
| Abuse and Threats.....                     | 6        | 2         | 6      | 11     | 14   | 4     | 11    | 17      | 13         | 7        | 5         | 5         | 101    |
| Adultery.....                              | ...      | ...       | ...    | ...    | ...  | ...   | ...   | 2       | 1          | 2        | 2         | ...       | 7      |
| Assault .....                              | 1        | 2         | ...    | 4      | 1    | 2     | 5     | 5       | 10         | 2        | 3         | 4         | 45     |
| Assault and Battery...                     | 25       | 14        | 39     | 19     | 37   | 44    | 42    | 31      | 37         | 27       | 38        | 22        | 370    |
| Assault and Threats...                     | 0        | 9         | 8      | 8      | 15   | 5     | 3     | 4       | 4          | 1        | 7         | 7         | 67     |
| Br'ch of Peace & Th'ts.                    | 4        | 4         | 4      | 5      | 2    | 6     | 7     | 7       | 7          | ...      | 8         | 1         | 50     |
| Concealed Weapons....                      | ...      | ...       | ...    | 3      | 2    | 1     | 3     | 3       | 4          | ...      | 1         | 1         | 18     |
| Desertion (Wife).....                      | ...      | 1         | 3      | ...    | ...  | 1     | 1     | ...     | ...        | ...      | 1         | 1         | 8      |
| Disorderly House.....                      | 1        | 2         | 2      | ...    | 4    | 9     | ...   | 7       | 4          | ...      | 1         | 1         | 31     |
| False Pretence .....                       | ...      | ...       | 1      | ...    | ...  | 1     | 3     | 1       | ...        | 2        | 1         | 2         | 11     |
| Forgery, Fraud and }<br>Embezzlement.... } | 1        | ...       | ...    | ...    | 2    | 3     | 1     | 1       | ...        | 1        | 1         | 2         | 12     |
| Homicide .....                             | ...      | ...       | ...    | ...    | ...  | ...   | ...   | ...     | ...        | ...      | 1         | ...       | 1      |
| Indecent Exposure....                      | ...      | ...       | ...    | 1      | 1    | ...   | ...   | 1       | 6          | ...      | 3         | 1         | 13     |
| Larceny.....                               | 10       | 11        | 20     | 21     | 15   | 16    | 18    | 17      | 13         | 11       | 24        | 13        | 189    |
| Misdemeanor .....                          | 24       | 57        | 55     | 46     | 31   | 32    | 60    | 52      | 32         | 26       | 30        | 29        | 474    |
| Malicious Mischief....                     | 5        | 8         | 4      | 3      | 8    | 11    | 11    | 6       | 2          | 1        | 5         | 4         | 63     |
| Riot.....                                  | ...      | 3         | ...    | ...    | 5    | ...   | 2     | 1       | ...        | 5        | 2         | ...       | 18     |
| Witness (Dr.'s Prison).                    | ...      | ...       | ...    | ...    | ...  | ...   | ...   | ...     | 1          | 1        | ...       | ...       | 2      |
| Total. ....                                | 88       | 108       | 137    | 116    | 137  | 135   | 167   | 155     | 134        | 86       | 129       | 93        | 1480   |

The following extract is from the Visiting Inspectors' Report of January:

Mr. MULLEN closes another year's labor which has, it is believed, produced good to many whose cases he has settled, and certainly the city is saved much unnecessary expense, consequent on trials, by his interfering between the prosecutors and accused. A perusal of some of the reports of cases, made by Mr. MULLEN in his monthly statements, will satisfy the Board that his labors are of a kind which few could accomplish; and such, it is believed, as few, reviewing the kind of persons with whom he is brought in contact, would be willing to undertake. The Visiting Inspectors have reason to believe that the Judges of the criminal Court of the County highly appreciate the services of Mr. MULLEN.

The following is a Selection of Cases illustrating the commitments and their character :

NUMBER 1—Was the case of a German woman, who had been committed upon the charge of shop-lifting. She had been sent to prison with her son, an intelligent little boy of about nine years of age, together with a German man who was supposed to be her accomplice. At the time of their commitment the parties declared their innocence in the most positive manner, which prompted the Agent to investigate the case at once. He saw the prosecutrix, a lady, who most positively identified the prisoners as the parties who came to her store, and while she was attending them robbed her of a piece of dry goods. With such conclusive evidence against them the Agent dropped the case, believing it not to be proper for him to interfere any further in the matter, and did not do so until just previous to the case coming to trial, when he was waited upon by two of the lady visitors of the prison who had seen her in her cell, and after listening to her sad story of mental suffering, deeply sympathized with her, and requested your Agent to again interest himself in her behalf, supply her with counsel, and make a further investigation of the case in the hope of proving her innocence if possible. The request was complied with, and by an extra effort the Agent succeeded in convincing the Court and jury that this woman and her supposed accomplice were entirely innocent of the charge brought against them. We proved an *alibi*, and showed to the satisfaction of all that the robbery had been committed by her twin-sister, who had dressed herself in her clothes, which were peculiar, and the bonnet commonly called a shaker, which the prisoner was in the habit of wearing, was not to be mistaken. In these articles the sister was dressed when she committed the robbery, and thus attired it was difficult to tell one from the other, the twin-sisters being so much alike. The Agent succeeded in proving by the Commonwealth's witnesses, with the aid of able counsel, that the prisoner had not been out of her house on that day, but that her sister had been out and had admitted that she (the sister) had stolen the property. This admission was also made to a person who saw her drop the piece of dry goods just as she was leaving the store, and who picked it up and took it to the owner. The thief immediately left the city, and the prosecutrix believing the prisoners to be the guilty parties, at a subsequent period had them arrested and committed to prison, where they had remained for nearly two months before their innocence could be established. As it was, the mother, her child, and the man prisoner, were all three honorably discharged. Mr. Mann, the District Attorney, prosecuted the case in person, questioning and cross-questioning the witnesses with great care, and particularly so in the case of the prisoner's little son, whose testimony in reference to his mother was of a most interesting character.

NUMBER 2—Gives an account of the illegal and improper imprisonment of a man upon the charge of perjury. Owing five dollars for board, he took a valuable coat of his own to a pawnbroker's and pledged it for three dollars. This money he gave to his landlady on account of his indebtedness, handing her at the same time the pawn-ticket to hold as security for the remaining two dollars due to her. Subse-

quently he went to the pawnbroker, and informed him that he had lost a ticket representing a coat, which he wished to redeem. This was not the coat for which his landlady held the ticket, but a different article that he had pledged on a former occasion. It was necessary that he should go before a magistrate to testify that he had lost the ticket, having done which he received his coat from the pawnbroker. The landlady heard of this transaction, and supposing it to be the coat for which he knew that she held the ticket, had him arrested and committed to prison upon the charge of perjury. He remained in prison from the 4th of April to the 30th of June, a period of nearly three months, before the Agent succeeded in getting him discharged by the Court. The Agent had repeatedly demanded his release from the District Attorney and from the magistrate without success, and it was not until he had the prisoner brought before the Court twice, supplied him with counsel, and produced the lost ticket, which had since been found, that he could obtain his discharge. It was then decided by the Court that the prisoner had been illegally committed, and that the charge, even if true, was not an indictable offence, the oath being an extrajudicial one, not recognized by the law; but as it was, the charge was not true, for the lost ticket had been found and was produced in Court, while the landlady still held the other ticket in her possession. After all this explanation had been entered into the prisoner was discharged, with his health greatly impaired from the confinement and suffering which he had undergone. His mind also was seriously damaged, and for this reason the Agent took particular charge of him, gave him some money, and had him taken to the House of Industry and placed under the care of the physician and officers of that institution. He was not long there, when in a fit of delirium he attempted to commit suicide by jumping out of the attic window of the institution; the poor man was picked up from the pavement insensible, with both legs broken, and with such other internal injuries as it was feared would render life uncertain. He was removed to the Pennsylvania Hospital, where he will receive such surgical treatment as his case may require. He is really an object of pity; all who saw him felt a deep interest in him. He was a Frenchman, well educated, a stranger in our city, and had for a short time occupied a lucrative position in the foundry of Merrick & Sons. He was genteel in appearance and dress, of temperate habits, and had always paid his board bill promptly while he was in employment.

NUMBER 3—Represents a father, mother, and four children, who had been committed upon the charge of larceny, which consisted in the taking of a boy's shirt by one of the children from the clothes-line in the yard of a dwelling-house. The owner of the shirt saw the boy take it and give it to his mother, who was in an adjoining house, where the family had been sheltered for the night by the kindness of the proprietor, who saw that they were strangers, and took them in and provided for them. The owner of the shirt informed the police of the larceny, and the whole family were arrested and brought before the Magistrate in Manayunk, where the occurrence took place. The two little boys were accused of stealing the shirt, and the father and mother were charged with receiving stolen goods, and the four were committed to prison for the offence, together with their two little innocent daughters. They

were friendless in our city, having only just arrived here from Canada, which they had left on account of the Fenian troubles. A brother-in-law had written to them, advising them to leave Canada and to come to Elmira, in this State, where he lived, stating that he could procure employment for the father of this family as a moulder or worker in a machine-shop; but when they arrived at this place, they met with a great disappointment, business had become very slack, and no employment to be found; the brother-in-law himself had left the place. Having expended all their money in coming from Canada, they concluded to travel on foot to this city, in the hope that the man might find some employment here, as he was a good machinist, and a sober, industrious man. They had been in good circumstances, and never in a difficulty of this character before. As soon as they had been committed to prison, the Agent interested himself in their behalf, and saw that they were discharged by the proper authorities, with the consent of the Magistrate, Prosecutor, Lieutenant of Police, and everybody else concerned, who, no doubt, were all heartily ashamed of having had anything to do with the case. The Agent procured a free passage for the whole family to New York, had them taken in a carriage from the prison to the wharf, gave them some money, and saw them leave. They had friends in New York, who would assist them till the man might procure employment, and earn enough to take them back to Canada, where he could make a good living for his family. This man and his two daughters were not in any way connected with the taking or receiving of the shirt. It was taken by one of the little boys, who wanted a clean shirt to put on, and the mother was in the act of reproving him for taking it when they were all arrested and committed to prison, before the mother had time to take it back to the owner. They were truly grateful to the Agent for his prompt interference in getting them released without cost or delay, thus saving them from being detained in prison during the summer months, as their case could not have been tried before August or September, a delay which might have been most damaging to the health of their little children.

NUMBER 4—Was the case of a wounded soldier, who had been committed to prison upon the charge of reckless driving, and assault and battery. He had been discharged from the army with honorable mention of his meritorious services. Besides the many scars and wounds which he had received upon his person, he had lost three fingers of his right hand while fighting in the defence of our country. In consequence of the unavoidable delay in giving pensions to so many, he had not yet received anything from the Government. He was poor and friendless; and while in this condition, his venerable and pious old mother took her bed-quilt and several articles of her best clothing and furniture and pawned them; and in this way raised a sum of money sufficient to purchase a horse and wagon, and a stock of vegetables to enable her son to gain a living for himself and his mother. While engaged in this business in a crowded thoroughfare, surrounded by vehicles of various kinds, his horse became unmanageable, and mainly from the fact that he had but a thumb and one finger to hold it with, he was unable to check the animal's career. The consequence was, that in dashing along, the horse came in contact with a passenger-car, damaging it, and injuring one of the horses belonging to the Railway Company.

He was arrested upon the spot by several policemen who had witnessed the occurrence, and who in the excitement of the moment beat him severely. He manfully resisted the violent and unnecessary attack, was arrested, taken before a Magistrate, and committed to prison upon the double charge of malicious mischief, and assault and battery, of neither of which he was really guilty. Considerable damage had been done to the animal and property of the Railway Company, as well as some injury to prisoner's horse, and his wagon-shaft was broken. All this was the result of an accident, over which the prisoner had no control, but the cause of which was attributable to the prisoner's being a cripple, through having lost his fingers in the war. When he was incarcerated his good mother came to your Agent in great distress, and informed him of their powerless situation, exhibiting at the same time a handful of pawn-tickets, the evidence of the sacrifice which she had brought to assist her son. She feared that by this accident that had befallen him, all would be lost to them, and they would be ruined; the more so, as the officers had taken away the horse and wagon, and held it as security for damages and costs. The Agent at once interested himself in their behalf, took the pawn-tickets and his honorable discharge from the army, to the house of the President of the Railway Company, fully explained the prisoner's case to that gentleman, and gave such evidence of the distress that had been occasioned by his imprisonment, as induced the President of the Company to deeply sympathize with the prisoner. He went immediately to the Magistrate and ordered his release, without requiring any damages whatever. The police who had instituted the charge of assault and battery against the prisoner were seen, and satisfactory explanations given to them. They consented to withdraw their charge against him, and thus the prisoner was released from all charges without any costs to himself whatever, and discharged from prison. The Agent saw that his horse and wagon were restored to him in good condition, the shaft having been mended, which greatly rejoiced the prisoner, and also his good mother; both of whom gave such evidence of heartfelt gratitude at the successful interference of your Agent, as will always be remembered by him with pleasure, and cause him to feel thankful that he has been placed in a position to render such effective aid to an unfortunate wounded soldier who risked his life in defending his country.

**NUMBER 5**—Was the case of a woman who had been committed upon the charge of assault and battery, an offence of which she was not guilty. Upon an investigation it appeared that her husband had beaten her in a most brutal manner, and then had her arrested and sent to Prison on the above charge. The Agent found her in her cell in a prostrate condition, the result of ill treatment. She was the mother of two young children, one of whom was at the breast. When the husband was remonstrated with for his bad behavior he professed to be convinced of his error in maltreating his family and readily gave his consent to his wife's release. A discharge was obtained from the Magistrate, which the prosecutor took to the Prison at a late hour of the night, and the prisoner was allowed to return home and take charge of her little children.

**NUMBER 6**—Was the case of a man of unsound mind, whose connections were of



the highest respectability. He was imprisoned upon the charge of false pretence in reference to a debt of ten dollars. The Agent saw that he was released and taken charge of by his friends, who promised to take him to Doctor Kirkbride's Hospital.

NUMBER 7—Was the case of an interesting young woman, of prepossessing appearance, who had been committed upon the charge of larceny. She was within a few weeks of her confinement. Her husband was out of employment and unable to support her and she had been obliged to seek a place of service. She was destitute of the necessary clothing and particularly in want of shoes as the weather was extremely cold. Under these circumstances she was tempted to get a pair of shoes on credit under false pretences by obtaining them in her employer's name. The person from whom she got the shoes had her arrested and committed to Prison, but having subsequently been indemnified for his loss a nolle pros. was entered by the Court with his consent, and the prisoner was released. She was afterwards taken by her sister, under the direction of the Agent, to the Hospital in connection with the Female Medical College of Philadelphia, where she will be cared for until she gets through with her confinement.

NUMBER 8—Was the case of another woman who was near her confinement and who was an entire stranger in our city. She was the wife of a military officer, who had recently brought her here from Lynchburg, Virginia, received his pay from the Government and then left for Pittsburg, deserting his wife without making any provisions for her. She was sent to Prison for want of a home. The Agent procured an order from the Guardians of the Poor and had her sent to an Institution where she will be better cared for during her sickness.

NUMBER 9—Presents the curious fact of a colored man, who could neither read nor write, having been committed to prison upon the charge of forgery. There seemed to be some mystery about this man's imprisonment. He belonged to Virginia, was bred and born a slave, but was made free by the war. He had never been to school and was even unacquainted with the letters of the alphabet. He had been a soldier in the Union army. It is difficult to understand how a man could under these circumstances have been committed upon such a charge. He was known to have a considerable sum of money in his possession, which he had received for his services, and it is surmised that this might have had something to do with the absurd charge brought against him. The Agent brought the case to the notice of the United States Commissioner, who ordered him to be discharged. The prisoner being in bad health from a severe cold, contracted while in Prison, the Agent had him taken to the House of Industry, where he will be properly cared for until restored to health.

NUMBER 10—Was the case of an intelligent aged woman, who had been most cruelly persecuted by her husband. He had imprisoned her eighteen different times upon false charges for the purpose of getting her out of the way, the last time upon the testimony of his young housekeeper. The Agent saw that she was sup-

supplied with counsel and she was discharged by the Court. Subsequently the husband was prosecuted, and, by an order of the Court, he was required to pay her three dollars and fifty cents (\$3.50) per week in future for her maintenance. This has put an effectual stop to the cruel prosecutions that have been brought against her. The Agent has taken her to a temporary home where she receives good board at the rate of two dollars a week. The sum which she receives by the order of the Court, together with what she can earn, will enable her to live in peace and comparative comfort for the future.

NUMBER 11—Was the case of a discharged soldier who had lost a leg at the battle of Chancellorville. An artificial limb had been supplied to him by the Government, but it had by use become so much out of repair that he was unable to walk with it. As he was a friendless stranger in our city and unable to walk about, he was picked up by the Police and taken to Prison. The Agent took charge of him, procured him a pair of crutches from the Sanitary Commission and saw that he was released from Prison. He afterwards procured him a railroad ticket and gave him some money to supply his immediate wants, to enable him to reach his friends in Norfolk.

NUMBER 12—Was the case of a young man of respectable connections, not yet of age, who was of unsound mind; this circumstance caused him to be an especial object of his mother's affection and care. The prisoner had been invited to accompany a serenading party, and when he left home he put a billy or black-jack in his pocket, which was in the house and belonged to his uncle, who is a Police officer. The party were arrested and fined for disorderly conduct, upon payment of which fine they were all discharged except the prisoner, who was committed to Prison for carrying a concealed weapon. When his mother heard of his imprisonment it had such an effect upon her as to cause her to drop down dead. It was the first time that her son had been in trouble or that any of the family had ever been in Prison, and her excitement and grief on the occasion were so strong as to cause her to lose her life. Her daughter informed your Agent of all the circumstances of the case, which were promptly settled and the prisoner was immediately released, which enabled him to attend the obsequies of his mother.

NUMBER 13—Was the case of a poor woman who had been badly beaten by her drunken husband, who, after abusing her in the most shameful manner, had her committed to Prison upon the charge of assault and battery. Her battered and bruised person gave unmistakable evidence of the injuries he had inflicted upon her. As she was not guilty of the offence with which she was charged, and as she had little children depending upon her for support, the Agent interfered and informed the Court of all the circumstances in the case, when she was immediately released from Prison.

NUMBER 14—Was the case of a colored man who had been tried, convicted, and sentenced to nine months' imprisonment upon the charge of not refunding the sum of one hundred dollars which had been given to him, as it was alleged, by a discharged soldier to keep for him. The Agent investigated the case and brought

into Court seven witnesses to testify that the prosecutor was drunk at the time when he said he gave the money, and that his testimony against the prisoner was untrue; that prosecutor had no such money, and that he could not have given it at the time stated, as they were then in the company of the prisoner and no such money was seen. On representation of the facts, the Judge ordered the sentence to be reconsidered and the prisoner was released. This was not objected to by the prosecutor, whom the Agent had subpoenaed to be present at the time.

NUMBER 15—Represents three sailors who had been tried, convicted, and sentenced to six months' imprisonment, each, upon the charge of stealing a box of candles from a ship on which they were employed. They were British subjects, and arriving here from the port of St. Johns they needed some of the money due to them, which the Captain refused to pay. They then publicly took the box of candles with the intention of disposing of it, and thus to raise the money, expecting that the Captain would charge the value of the box to their account. This, however, he declined to do, but had them arrested and convicted as above stated. The Agent then made application to the Captain for the clothes and bedding belonging to the prisoners, as also for the wages due to them, amounting to eighteen dollars in gold each, but could only succeed in getting a portion of their clothing, the Captain refusing to give up the remainder as well as to pay them any wages at all. The British Consul was informed of the circumstances of the case and it was only through his interference that the Captain could ultimately be made to give up the prisoners' property and pay the wages due to them. The Agent informed the Judge of the conduct of the Captain and at the same time asked for a reconsideration of the sentence, which request was complied with. The prisoners were liberated, taken charge of by a shippingmaster and again sent to sea.

NUMBER 16—Was a boy about sixteen years of age who was accused of larceny. An investigation showed his entire innocence of the offence for which he had been committed to Prison. He was immediately discharged.

NUMBER 17—Was a man whom the Agent found in the Prison suffering from small-pox. He obtained his release and, upon an order from the Board of Health, had him removed to the Small-Pox Hospital. Prisoner had been accused of stealing a blanket, which, upon investigation, proved to be his own. This is one of the many cases illustrating the very serious consequences which innocent persons are made to suffer through these false and premature arrests. This man had taken the small-pox while thus improperly imprisoned at a time when that disease existed in the institution.

NUMBER 18—Was also a case of small-pox. The sufferer was a man who had been convicted and sentenced for larceny. The Agent got his sentence reconsidered by the Court, procured an order from the Board of Health and had him removed to the Small-Pox Hospital.

NUMBER 19—Was a woman who had been arrested with a bundle of clothes in her

hard on suspicion of having stolen the same. The Agent's investigation satisfied the Magistrate that the clothing was her own. She was immediately discharged.

NUMBER 20—Five prisoners, committed for various slight offences, were found to be insane. The Agent obtained their release from Prison, procured an order from the Guardians of the Poor to admit them in the Insane Asylum at Blockley and saw that they were taken there.

NUMBER 21—Was the case of an industrious woman who had been committed upon the charge of stealing a tablecloth. Upon investigation the Agent found that she was not guilty of the offence and, a *nolle prosequi* having been entered by the Court with the consent of the prosecutor, the prisoner was liberated. She had got into the difficulty by being over anxious to please the lady who employed her. This lady had been unexpectedly visited by some friends, who had come to take tea with her. Her best tablecloth being in the wash-tub and not in a condition to be used, the prisoner was desirous to help her out of the difficulty and went to a neighbor, where she was known, and asked them to loan her mistress a tablecloth, the lady declined to do so, upon which prisoner went to the next door neighbor and there asked the same favor, but this time asked it in the name of the lady who had just refused to lend the article to her mistress. The request was complied with and the cloth handed to her, but it was noticed that she did not take it to the lady for whom it had been borrowed, but to a house further on. A Police officer being near at hand, he was informed of the circumstance and sent after the prisoner whom he arrested while in the act of setting the table, which was covered with the tablecloth in question. She had no intention of stealing it, but only borrowed it with a view to accommodate her mistress, and would have returned it after it had been used. She was well known to the prosecutrix and the arrest was inconsiderate and unnecessary and caused much suffering to prisoner and her children.

NUMBER 22—Was a woman who had been committed upon the charge of threatening the Clerk of the Market. He had rented her a stall for which she had paid him forty dollars (\$40.00) as advance rent. Upon objection being made by the renters of other stalls, the Clerk prevented her from using the one she had rented, and because she persisted in doing so he had her arrested upon the charge of threats. The Agent saw the prosecutor, had the case settled, obtained her release from Prison and prevailed upon the Clerk to return her the forty dollars (\$40 00) which she had paid in advance.

NUMBER 23—Was a woman whose husband, in a state of intoxication, had beaten her in a most shameful manner; her body showed the marks of the terrible blows which he had inflicted upon her, and the injuries she had received rendered her unable to get out of bed for several days after she had been brought to the prison. After thus ill-treating his wife, the husband went to a magistrate and had her arrested, together with his brother, charging both with disorderly conduct, upon which they were committed to prison, while he in fact was the only disorderly person connected with the case. The Agent, on fairly placing the facts before the magis-

trate, obtained a discharge for both prisoners, and this much injured woman returned home with the assurance that the Agent would use his influence with the husband to prevent, if possible, the cruel treatment for the future.

NUMBER 24—Was a discharged soldier, a person of good address and gentlemanly in appearance. He had until recently been a widower with two children, but was now married to a very young woman, who refused to live with him until he would be able to furnish a house such as she deemed suitable, and in such a way as she had been accustomed to at her mother's. He had provided two rooms and furnished them nicely, but this was no inducement to his chosen one, who, on the contrary, after vowing to love and obey, etc., returned to her mother's house and refused to perform any part of her matrimonial duties until as above stated he could provide a more elegant home. To get rid of the annoyance, which his frequent applications at her mother's house for his lawfully wedded wife caused her, she applied to the Court for a divorce, stating that when she married him it was with the intention of bettering her condition. As he was still persistent, notwithstanding her divorce suit, she, by the advice of her counsel, had him arrested and sent to prison on the charge of a breach of the Peace. The Agent interfered and had him discharged.

NUMBER 25—Was a boy sixteen years of age, who was employed by a man to drive a horse and wagon. This man directed him to a heap of old iron, which he said he had purchased, and told him to take it away. Prisoner of course did as his employer desired him, and was in the act of hauling away when the owner of the iron had him arrested upon the charge of larceny. When the case came up in Court he pleaded guilty to having taken the iron; sentence was deferred, and he remained in prison three months without the case being finally disposed of. The Agent drew the attention of the Court to the foregoing facts, when the Judge ordered the immediate discharge of the prisoner, but directed that his employer, who had meanwhile been arrested and committed to prison, should be held to answer.

NUMBER 26—Was the case of two young girls who had come to this city, where they had no friends, in search of employment. Failing in this object, and want and hunger tempting them, they went into an oyster saloon and got some refreshments. Unable to pay for what they had eaten, they were sent to prison on the charge of misdemeanor. The Agent, with the consent of the prosecutor, procured their release, and furnished them with some money to supply their immediate wants and to take them home to their parents in Holmesburg.

NUMBER 27—Was a worthy colored man who was employed as a teamster, and had been imprisoned upon the charge of reckless driving. His horses had become restless on the road, and being unable to check their speed his wagon came in contact with prosecutor's vehicle, doing some slight damage. For this he was arrested and had been detained in prison for nearly seven weeks, his wife and several little children suffering great distress for want of his support. The Agent brought the case to the notice of the District Attorney, who accompanied him to Judge Allison and interceded for the prisoner, when he was released from prison and allowed to

return home. The Agent had seen the prosecutor, and offered to compromise the difficulty by paying a reasonable amount for any damage he might have sustained, but this he declined, and demanded a much larger sum than the damage amounted to. It was evident that he desired to make money out of the prisoner's misfortune.

NUMBER 28—Was the case of a colored woman. She was in the habit of going daily to a restaurant, where she was employed as cook, always taking her little child with her. While thus employed she took some food of little value, concealing it with the intention of taking it home with her on her return at night. The proprietor of the establishment called in a police officer and had her taken to prison, without affording her an opportunity of taking her little child with her. On inquiry, it was ascertained that the child had been sent to the Almshouse sick with scarlet fever. The prisoner's grief on hearing this, and herself separated from her sick child, was truly distressing. The Agent made a strong appeal to the proprietor to abandon the prosecution, to which he finally consented, and the prisoner was released, thus enabling her to look after her sick child.

NUMBER 29—Was the case of a young girl about sixteen years of age, who had been induced by an older person to pawn a stolen article. The Agent obtained her discharge from the alderman, procured an order and had her taken to the Howard Home, where she will be cared for and made a wiser and better girl.

NUMBER 30—Was an intelligent man, in prison for the first time, who was charged with threatening his mother-in-law. He had suspected this good lady of making trouble between himself and his wife. The Agent enquired into the case; an explanation was made, which showed the prisoner's suspicion had been without foundation; the parties were reconciled, the prisoner released, and all went home good friends.

NUMBER 31—Was a colored man who had been charged with stealing a medallion containing the likeness of a female. The article had been given to the prisoner by the woman whose likeness it contained. This caused the prosecutor to become jealous, and he sought revenge by accusing the prisoner of stealing the medallion, which he said belonged to him. Upon investigation it was ascertained that the prosecutor had been a convict, that he had been again arrested and committed to our prison while this case was pending, and had been sent to Baltimore to be tried for a high crime. When these facts were ascertained, and it was moreover shown that the article in question did not belong to the prosecutor, the prisoner was discharged.

NUMBER 32—The Agent's attention was drawn to the case of a man who had been committed to prison, charged with the larceny of a chair. Upon investigation, it was ascertained that the chair was his own, that he had bought it, and paid for it. The Agent saw that he was released, when an order was given to him by the Alderman to obtain possession of the chair from the party who had claimed it.

NUMBER 33—Was the case of a young girl about eighteen years of age, who had come from Washington on a visit to her sister. Having heard much of the beauty

of Fairmount Park, she went to see it, and while there plucked a flower, not aware that she was violating the rules by doing so. For this offence she was arrested and committed to prison. Her incarceration had a most disastrous effect upon her health and mind; she was thrown into spasms, and in this condition bit her own person severely. But for her immediate release, the results might have been damaging to her mind. The Agent, after having obtained her discharge, procured a railroad ticket, and supplying her with some money, sent her home to Washington.

NUMBER 34—The Agent's attention was drawn by the Prison Physician to the case of a dying man. He had been arrested while in the act of presenting an order for some money which was due to a man that died in the Hospital. This order was a forgery, and the prisoner was charged with having committed this offence, and sent to prison. An investigation showed that the prisoner did not know the order was forged, but was merely the dupe of a third party, who, after getting him into this difficulty, had escaped from justice. The Agent explained the facts of the case to the District Attorney, obtained his discharge from prison, and procured an order from the Guardians of the Poor to take him to the Hospital, where, notwithstanding the most careful and prompt attention, he has since died. He was a sailor, whose health had been impaired by having been shipwrecked on our coast, where he was found in an exhausted condition, and, together with a comrade, who also died in that institution, were taken to the Hospital in our city.

NUMBER 35—Was the case of a sick and feeble woman, who had given birth to an infant but one week previous to her incarceration. The child was still-born, in consequence of the brutal treatment which she had received at the hands of her husband, who again, in a state of drunkenness, and while she was in this feeble condition, had beaten her unmercifully, and then caused her to be imprisoned on the charge of misdemeanor. The Agent explained the case to the Magistrate, and obtained her immediate release.

NUMBER 36—Was the case of a mother, with a baby in her arms but a few weeks old, who had been committed upon the charge of assault and battery. Both mother and infant suffered severely from the heat and confinement in the prison-cell. The difficulty arose through one of prisoner's children striking a neighbor's child, whose mother, in retaliation, struck prisoner's child; upon which prisoner rushed to the rescue, and struck the prosecutor for beating her child. For this she was sued and sent to prison. The Agent interfered on her behalf; she was released, and permitted to return home and take charge again of her little family.

NUMBER 37—Was the case of a woman charged with the larceny of a bonnet. She remained in prison nearly three months before the Agent succeeded in procuring her release. Her case was a very distressing one, from the fact that she had a family of small children who were left all the while without a mother's care and attention. Herself and husband had occupied part of a house together with a man and his wife; the latter, after long sickness, had died in the house. Prisoner had nursed her during her sickness, and assisted in preparing the body for burial, for which services prosecutor had only paid her one dollar and a quarter. She thought

it would be no harm to take the deceased woman's bonnet, which was lying in the room, and which she thought could be of no use to the husband. The Agent had frequently drawn the attention of the District Attorney to her case, but as the prosecutor did not appear, she had to remain in prison until the Agent, by perseverance, finally succeeded in obtaining her discharge.

NUMBER 38—Was the case of a young German, who boarded at an emigrant-house, the proprietor of which became jealous of him, and had him arrested, accusing him of an improper intimacy with his wife. Being unable to give bail, he was committed to prison, where he remained over five months, as the prosecutor did not appear against him, although several times notified by the Agent to do so. The latter finally succeeded in getting him discharged, by stating to the Court that the prosecutor was living comfortably and amicably with his wife, was doing a prosperous business, and would not prosecute. Upon this explanation the Judge ordered him to be released.

NUMBER 39—Was a case of great hardship. A good, industrious, and respectable woman, who kept a little store for the sale of green-groceries, had been imprisoned at the instigation of her husband, upon the charge of threats and assault and battery. Of the latter she was not guilty. Her prosecutrix was a good-looking young girl, about seventeen years of age, whom the husband had taken out of the House of Refuge to live with them. An improper intimacy had evidently commenced between this girl and the husband; upon which the wife, excited by jealousy, ordered her out of the house, and upon her refusal to leave, threatened to put her out by force if she did not go at once. The girl still refused, and was sustained in this by the husband, who gave her money to sue his wife and imprison her on the above charges. Some of the neighbors came to the prison and informed your Agent of these improper proceedings, which had, without doubt, been instituted to get the wife out of the way, so that the husband and the girl might have the house to themselves. She was not many minutes in prison when the Agent went to the Magistrate, explained the case, and procured her discharge. At eight o'clock in the evening he went to the house of the prisoner, where he found the window-shutters and doors closed, and no light in the house; the door was opened, and the young girl made her appearance, accompanied by the prisoner's husband; they had been closeted together in the dark. The Agent informed the husband, in a manner not to be misunderstood, that he was going to protect the prisoner in her right; that he, the husband, must at once order this girl from the house, and thereby remove the cause of the quarrel between himself and his wife. Their improper conduct had excited the just anger of his wife, and the indignation of his neighbors. The Agent rebuked them for their indecent proceedings, told them that he had obtained a discharge for the wife, and that she was coming home to take charge of her house and her business. The girl consented to leave, and the husband promised to be more kind to his wife in the future.

NUMBER 40—Was the case of a little girl about fourteen years of age, of respectable parents. She had been arrested on the charge of an attempt to steal



ninety pennies. The Agent had her brought before the Court upon a writ of *habeas corpus*, when she was discharged by the Judge. She entered a store, on the counter of which stood a box containing these pennies, on which box, out of childish curiosity, and in the presence of the owner, she put her hand, without any intention, as she says, of stealing the money. The Magistrate who committed her, said that he never intended her to go to prison, but would not give a discharge for her, unless he was paid two dollars and fifty cents (\$2 50) costs. This the Agent refused to pay, and brought her before the Court, when she was released.

NUMBER 41—Was a man who had been committed to prison by the same Magistrate, upon the charge of misdemeanor, which consisted of his begging pennies from the market people while intoxicated. It was said that the pennies thus received were received under false pretences. He was scarcely in prison when a police officer brought a man to go his bail, provided the prisoner would give him a deed conveying four lots to him, valued at three hundred dollars each, and which the prisoner owned. This was asked to enable the man to be eligible to become his bail, and get him out of prison. At this stage of the proceedings the keeper, who had charge of the prisoner, suspecting that they intended to rob him, advised him not to enter into any such arrangement, as the Prison Agent would see to his case, and if possible, have him released. The Agent then made application to the Court for a writ of *habeas corpus*, and notified the Magistrate and the parties concerned to appear. Subsequently the Magistrate asked the Agent to withdraw the proceedings and he would give a discharge *without costs*, which he had previously refused to do. The discharge was given and the prisoner released.

NUMBER 42—Was the case of an intelligent young girl, who had been imprisoned on the charge of stealing an old shirt. The prosecutor was prisoner's former landlady, and was offended because the latter had left the house, where she had not only formed an attraction to other boarders, but also made herself very useful in the family. Her object was to frighten the girl so as to compel her to return to her house. The Agent saw the owner of the shirt, who was also a boarder in her house, and who said that she had not stolen the article, but that he had given it to her to mend. He made this statement before the Magistrate, when the young girl was discharged. Prosecutrix paid the costs.

NUMBER 43—Was the case of a worthy woman, the widow of a soldier, who earned her living by washing. Among the clothing sent her to be washed, was a pair of pantaloons, with a check on a bank for \$263 in one of the pockets. Not being able to read herself, she showed it to a man standing near at the time, and asked him what it was. He told her that he would inquire of a friend about it, walked off with the check, had it cashed, and left the city with the money. She was afterwards arrested and committed to prison upon the charge of misdemeanor, for having parted with the check. Her little girl, about thirteen years of age, walked daily from the extreme end of Kensington to the prison, in the hottest season, to bring her mother coffee, and other little comforts; she had to walk because she had no money to pay

for riding in the cars. This circumstance induced the Agent to believe that the mother had been no party to the theft, or received any portion of the proceeds of the check. The Agent laid all the facts of the case before the District Attorney, and asked if something could not be done at once to release this woman, as there was no evidence of guilt on her part. He readily consented to liberate her by taking the Agent for bail for her appearance, if necessary. She was discharged from prison and permitted to return home. The Agent supplied her with counsel, and volunteered to pay the necessary expenses of any effort that she might make to have the man who stole the check arrested. He has since been caught, and committed to prison. The theft has been acknowledged by him, and a portion of the stolen money restored to the owner, thus fully establishing the innocence of the woman.

**NUMBER 44**—Was a discharged soldier, who had lost both legs below the knee in defence of his country. He was committed to prison on a charge of misdemeanor. His offence consisted of his owing about fifty dollars for board, which he was unable to pay. As imprisonment for debt is abolished in this State, the Agent demanded of the prosecutor to go to the Alderman and ask for the immediate release of the prisoner, which request was complied with, by prosecutor paying the costs and obtaining the discharge from the Magistrate. He then accompanied the Agent to the prison, made friends with the prisoner, and offered to take him back to his house to live. This, however, was not accepted, as the Agent had already provided a home for the prisoner and his wife, where they would be cared for without expense until he could get employment or obtain subscriptions for his performances on the hand organ. The wife was a German woman, and could speak very little English. She had been in great distress, as the prosecutor had turned her out of doors when he sent her husband to prison. So soon as these facts were known to the Agent, he had her taken into the prison and cared for until her husband was released.

**NUMBER 45**—Was the case of a young girl, charged with the larceny of a tobacco-pipe, which she had playfully taken in the presence of the owner, and given to a young man of her acquaintance. The owner made no objection at the time; but for some reason best known to himself, in three weeks after he sued her, and had her committed to prison. The Agent saw that the prosecutor was paid for the pipe, which was of little value, upon which he consented to go before the Magistrate to have the case settled; but this officer demanded \$4 50 for costs, payment of which the Agent refused. Prosecutor then went before the Grand Jury, who ignored the case, and the young girl was released.

**NUMBER 46**—was the case of a wounded soldier, who had been robbed of thirty dollars (\$30 00) in a public house, while intoxicated. He accused the proprietor of having committed the robbery, and had him arrested and bound-over for the offence. The accused in return sued the soldier, and had him committed to prison upon the charge of assault and battery. When the Agent asked him to consent to the soldier's release, he refused, because the latter had accused him of the robbery. The landlord declared that he was innocent of that charge, and that he was not on

the premises at the time the robbery took place, but that he was in another part of the city. The Agent carefully investigated the case, and found the landlord's statement to be true, and that he had, indeed, been innocently accused. The soldier had been robbed by three men, one of whom had since been arrested for the offence, and admitted his guilt. The soldier apologized to the landlord for the mistake he had made in prosecuting him wrongfully while under the influence of liquor, and withdrew the charge; the prosecutor at the same time withdrawing the charge of assault and battery which he had instituted against the prisoner. Thus both cases were settled at the expense of the landlord, who paid the costs, and then generously made the soldier a present of five dollars to help him along. They left the prison together good friends, each thanking your Agent for his kindly interference. The real thief remains in prison to be tried.

NUMBER 47—Was the case of a man and his wife, intelligent contrabands; the woman particularly, being well educated and possessing a quantity of good clothing, with her name written on each article. They were unfortunate in locating themselves among dishonest persons, who, professing to be their friends, robbed them of their clothing. On being charged with the robbery, and threatened, they denied the theft, and one of them, a woman, was sued; having entered bail for her appearance at Court, she in her turn sued both prosecutors whom she had previously robbed and had them committed to Prison on the charge of assault and threats. This was done by the thief in order to frighten the prosecutors, who were strangers here and without friends, into a settlement of the case and thus defeat the ends of justice, without success however, as your Agent immediately entered bail for them and succeeded in releasing them at a late hour on the same day they had been committed. At an early hour the following morning—the morning of Thanksgiving day—the poor woman came to the house of your Agent for protection, very much frightened, since the prosecutrix, on learning that both husband and wife had been liberated, had threatened to have them re-arrested forthwith. The Agent promised her his immediate assistance to the fullest extent of his power, and accompanied her at once to the house of the thief, doing this all the more cheerfully as it happened to be on a day that specially reminds us of the many blessings received and of the duty we owe to our less fortunate and suffering fellow creatures. Arrived at the house, the Agent succeeded in frightening the thief into a confession as to where she and her daughter had pawned the things, and insisted upon her going with him to the place. This they found closed, it being holiday, but when the proprietor had been found, he consented to open his shop and give up the stolen property. The thief pointed out eighteen articles of clothing which she had stolen from the prisoner and pawned there, all of which were handed over to the poor woman who had been victimized, and who now went her way rejoicing in the possession of her property and without fear of being re-arrested. The case of the thief is now in Court to be tried.

All this was accomplished in time to enable the Agent to get to church to listen to a thanksgiving sermon, after which he succeeded in another case of an unusually interesting character. It was

NUMBER 48—The case of an intelligent man of industrious habits, who came to this country and established himself in a nice little business—a China store—in the outskirts of the city. As soon as he had accumulated sufficient money to pay for the passage of his wife and six children from England to this country he sent for them. When they arrived in this city, the husband and father received them in the most affectionate manner, took them at once to his home and treated them very kindly. They assisted him in his business, and all went on well with him and his family, until some evil-disposed neighbors put mischief into his wife's head. They told her that her husband had been frequently seen in company with his former house-keeper and that they believed an improper intimacy existed between them; that she ought to prosecute them in order to put a stop to their interviews. Acting upon the advice of her neighbors, at a time when she was in the highest state of excitement from jealousy, she sued and prosecuted them to a conviction. They were tried upon the charge of adultery, convicted and sentenced to an imprisonment of six months each. This sentence was not at all satisfactory to the wife who said she did not understand the case; that her only object was to convict the woman, and put *her alone* in prison, but not the husband, as it was necessary that he should have his liberty in order to support her and the children. She then came to your Agent and stated her distressed condition, asking his interference to have her husband released. She said that he had always been very kind to her and treated his family well; that she was very sorry for having prosecuted him, and she feared in her great excitement she had misstated his case to the Court, and that she could not rest in peace until he was liberated. The Agent accompanied her to the Judge who sentenced him, stated her case and asked for a reconsideration of the sentence under the circumstances. The Judge peremptorily refused to release him, but had previously, at the request of the Agent, consented to release the woman, as she was a soldier's widow, had a child depending on her for support and was of industrious habits. When the wife learned that the woman had been released and her husband still in Prison, she became perfectly frantic and insisted upon his immediate release. The Judge having refused she persisted, in constantly presenting to the Agent the condition of herself and children, and would every few days bring them to his house or to the Prison, and beg for the release of her husband, saying that she had wronged him and could not rest until he was liberated. She also stated that the Guardians of the Poor had refused to do anything for their support, as they presented such a genteel appearance. The Agent, pitying the woman and her children in their helpless condition—strangers in this country—told her to come with all her family into Court at a certain hour on the following Saturday, when he would again present her case to the Judge, and, with the aid of counsel, have it fully explained, and do everything in his power to induce the Judge to reconsider his sentence and thus save her family from separation and ruin. Before the appointed time arrived Thanksgiving day intervened, when the Agent saw the Judge in church. After an affecting sermon by the Rev. Albert Barnes, a discourse well calculated to soften the hearts of all who heard it, the Agent accompanied the Judge to the vestibule, saying: "Judge, this is a day of thanksgiving, a time when our hearts should be filled with thankfulness and a disposition to show mercy to the

oppressed; you are a Judge and have it in your power to release a prisoner, whose liberation would not only gladden his heart, but that of a wife and six children, and if you consent to his immediate release, I will see that he is discharged in time to join his family at a thanksgiving dinner, if they have any to give thanks for." It so happened that the Agent had a transcript of the case with him at the time, which he presented to Judge Allison, who stepped into a neighboring drug store and wrote upon it, "Sentence reconsidered, discharge the prisoner." This was cheerfully done, to the great satisfaction of many persons who witnessed this truly noble act of the Judge, who virtually said to the poor man: Go, and sin no more! In less than half an hour after he was released, some money given him by the Agent and taken to the cars that carried him to his home. To him it was indeed a day of thanksgiving to his heavenly father, who permitted him to be liberated and once more to return to his family. He said that he willingly forgave his wife for the great wrong she had done him in causing him to be imprisoned, an occurrence which nearly brought about their ruin, and which she heartily repented of, as her subsequent conduct showed. He expressed his gratitude, with tears in his eyes, for the Agent's friendly interference, and solemnly declared that he was not guilty, although he admitted that he had several times met the woman in a friendly way, but with no improper intentions whatever.

NUMBER 49—Was the case of a man who had been unlawfully committed to the Debtors' Prison as a witness in a murder case. When he had been in prison about two months, the Agent discovered that the murderer had never been arrested, but that he had fled and left the country. Notwithstanding this fact, this innocent man was kept in Prison as witness. The Agent had him brought before the Court, when he was discharged with the consent of the District Attorney, the Coroner and all parties concerned. He was a respectable German and had never before seen the inside of a Prison.

NUMBER 50—Was a similar case, where a man had been committed to the Debtors' Prison by an Alderman as a witness in a larceny case. After he had been confined three months, the Agent, upon inquiry, ascertained that the case had been disposed of by the Court some time since, and the party convicted without the testimony of the prisoner, his evidence not being considered necessary. Both of these men were illegally imprisoned, as your Agent had a law enacted, some years ago, abolishing imprisonment of witnesses, except in certain cases, when satisfactory proof had been given to the Court that the witness had been tampered with, was about to leave and would not appear, which was not the case with either of the above prisoners.

NUMBER 51—Was the case of a man who had been committed to the Debtors' Prison for one dollar (\$1.00) being the amount of damage accidentally done to prosecutor's coat. He was unable to pay for this at the moment, but expressed his willingness to do so as soon as he could earn the money. Notwithstanding this promise he was sent to the Debtors' Prison, and held there for one dollar (\$1.00,)

the amount of damage, and three dollars (\$3.00) costs, at the instigation of the landlord at whose house both prosecutor and prisoner boarded, the latter with his family. After he had been imprisoned three days, prisoner's wife came to your Agent to ask him to get her husband out, and begged that herself and child might meanwhile be taken into the Prison with her husband, since, in consequence of his incarceration, she was destitute of all necessities of life and without a home. After giving her some money, to supply her immediate wants, the Agent went to the Alderman, offered the dollar for the damage and asked for the prisoner's discharge, but found that this official would not release the prisoner without both damage and costs were paid. The Agent then offered himself as bail for prisoner, but learned that the law does not allow of bail being taken in commitments of this character. He now went to the landlord who had instigated this prosecution and who admitted that the damage had been done in a purely accidental manner. Having held out to him the cruelty and injustice of subjecting a man to imprisonment and his family to want and ruin for a mere accident, of so paltry an amount as one dollar; he saw his error and accompanied the Agent to the Alderman, where he paid the costs, and the Agent paying the dollar for the damage, the prisoner was liberated after five days' incarceration. He was thus again enabled to earn an honest living for himself and family, instead of being kept in Prison for months, as might otherwise have been the case, at an expense to the public of thirty cents a day, which the Jailor charges the city for a prisoner's board. This man was the only prisoner in the jail at the time. This institution is supported by the city at an annual cost of over two thousand dollars, independent of the charge for the board of prisoners, and mainly oppresses the poor, since imprisonment for debt has been abolished, and only such unfortunate beings, as in the present case, who have not the money to pay for an accident, however paltry in value, have to suffer from it.

NUMBER 52—Were two women who had been committed by two different Aldermen, one upon the charge of larceny, and the other for malicious mischief. When one had remained in prison for three months, and the other for six weeks, without their cases having been disposed of, and both saying that they were entirely innocent of the charges upon which they had been committed, the Agent drew the attention of the District Attorney to their imprisonment. It was then ascertained that there had been no return made of their cases by the committing Magistrates to the Court. The Agent went to the Aldermen, asking for these returns, and was informed by each of these officials that he had no recollection whatever of having committed either one of these women, and they had no record of the cases. When the Agent informed the District Attorney of this fact, he instructed the Clerk of the Court to discharge the prisoners.

NUMBER 53—Was the case of an intelligent young man, who had been imprisoned upon the charge of embezzlement. It was one of great hardship for the prisoner, who had a wife and children in New York, entirely dependent on his exertions for support. His prosecutor had induced him to come to this city to canvass for his Directory, but being a stranger here, he was not very successful; and when he ran

short of means to procure the necessities of life, he appropriated one dollar of his employer's money, which he had collected from subscribers for additional advertisements, intending to repay it out of the salary and commission due to him on the following Saturday. But before this day arrived he was arrested and committed to prison on the charge of embezzeling the dollar. Your Agent immediately interested himself in his behalf, and ultimately obtained his discharge from the Court, with the consent of the prosecutor and the District Attorney. Prisoner's health had been greatly impaired from the mental suffering which he had undergone while in prison. The Agent gave him some money, and saw that he was supplied with a railroad ticket to take him back to his family in New York.

NUMBER 54—Was the case of two colored men, both named Jones, not relatives, but both members of the same church. This church was in debt, and an appeal had been made by the Pastor to the congregation to liquidate the same. The congregation did not contribute sufficiently, and these two men, one of them a clergyman himself, prepared two subscription books, and went as a self-constituted committee to collect from the public, with the intention of applying the funds so received to the liquidation of the debt. They had not proceeded far in asking for subscriptions when they were arrested, and charged with obtaining money under false pretences, at the instance of an officious member of the church, acting on his own authority. The evidence not being sufficient to justify a final commitment, they were remanded for a further hearing, and meanwhile lodged in prison. The Agent found them here in great mental suffering; the mere idea of being wrongfully imprisoned had a very serious effect on their minds. He immediately informed the Magistrate of their condition, and asked for their release, as it did not appear that they had intentionally done any wrong. The Alderman refused to release them, but was induced to go to the prison and see them in their distressed condition. After he had visited them, he promised the Agent that he would discharge them on the following Tuesday, the day fixed for the final hearing. On that day one of these two men died in prison, and a discharge having been obtained for the other, he died before he could be got to his house. Soon after the Agent visited this latter man's family, and found them in the greatest distress at the untimely end of their husband and father, caused through his imprisonment.









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 WILLIAM J. MULLEN is Agent of the County Prison, appointed by the Inspectors, and acting under their direction, and also appointed by the Prison Society.

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# FOURTEENTH ANNUAL REPORT

OF

## William J. Mullen,

### **PRISON AGENT,**

MADE TO THE

Philadelphia Society for Alleviating the Miseries of Public  
Prisons.

*Instituted, 1787.*

**JANUARY 1, 1868.**

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Chandler, Pr., 306 & 308 Chestnut St., Phila.



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**JANUARY 1, 1868.**

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**PHILADELPHIA:**

**J. B. CHANDLER, PRINTER, 306 & 308 CHESTNUT STREET, (GIRARD BUILDING.)**

**1868.**



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FOURTEENTH ANNUAL REPORT  
OF  
WILLIAM J. MULLEN  
Prison Agent,  
*January 1st, 1868.*

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To

The "Philadelphia Society for Alleviating the Miseries of Public Prisons."

GENTLEMEN :

The Agent herewith presents his Fourteenth Annual Report for your consideration and approval, with the hope that it may be found satisfactory.

The number of arrests made by the police in our city during the past year, amounts to forty-two thousand six hundred and fourteen (42,614), and the number of commitments to our county prison within the year was eighteen thousand five hundred and seventy five (18,575), showing a decrease in the number of commitments of eight hundred and ninety-three (893), as compared with the previous year.

With this amount of crime and consequent misery before him, accompanied by a large proportion of absolute but suffering innocence, the Agent made it his constant care and great concern to discriminate promptly between the guilty and the innocent, and to ascertain what cases there were that would admit of such relief as was in the power of the Agent to extend to them. His occupation is at all times perplexing and laborious,

but often he has received encouragement in the happy results to the friendless and unfortunate prisoners, as well as to their suffering families. These considerations have stimulated your Agent to renewed activity in the good work to which he has devoted himself.

Over three thousand four hundred (3400) cases have been examined and inquired into, and over eight hundred (800) letters have been written and mailed on behalf of prisoners within the last year. Through these exertions the Agent has succeeded in effecting the release from prison of one thousand three hundred and seventeen (1,317) persons within the year, these were all Court cases, and were not cases that could have been discharged by the Inspectors. Of this number, seven hundred and five (705) were men, five hundred and seventy-five (575) women, and twenty-six (26) children. These latter, in many instances, were held in confinement with their parents. Included in the above, there were forty-one (41) insane persons who were cared for and taken to the Insane Asylum. While one thousand two hundred and forty-seven (1247) obtained their liberty, through the interference of the Agent, without paying any thing, there were but fifty-nine required to pay the sum of one hundred and ninety-seven dollars (\$197) or an average of three dollars and twenty two cents ( $\$3.\frac{22}{100}$ ) each. This sum was paid as costs to magistrates, District Attorney, and other officials.

In the Appendix to this Report the reader will be able to judge of the character of some of the cases that were released through the interference of the Agent. The majority of these cases originated in vindictiveness or malice, or in intemperance and thoughtlessness on the part of the prosecutors who, in some instances, sought revenge for supposed injuries. These parties found many officers of the law who thought it to their interest to encourage litigation. This state of things comes from the bad system that now exists, which makes magistrates and constables dependent upon their fees for support. This should not be.

It never should be to the *interest* of an alderman to commit a fellow man, to suffer and to die in prison, which has, in some instances, been the case, and that too when the unfortunate parties have been innocent of the offences with which they were charged, and for which they had been committed to prison. If magistrates were prevented by law from receiving fees, such injustice could not be done by disinterested officers, who would, unquestionably, be more careful as to whom they committed and for what offences. If the magistrates received a proper salary as they should, and were entirely deprived of receiving fees, there can be no doubt that the criminal business and the commitments to prison would be reduced one-half, without injury to the community. If they were salaried officers,

as is the case with our judges, who administer impartial justice and have nothing to do with fees, it would be more satisfactory. Such an arrangement would not only prevent a vast amount of undeserved suffering, but would save a large sum of money to the city.

The Agent, in his endeavors to relieve the oppressed, visits the prosecutors, reasons with them and obtains their consent to the settlement of the case by the magistrate, whenever this can be done according to law. In other cases he sees that there is a prompt return of the case made to the District Attorney by the magistrate, and, when necessary, provides the prisoner with counsel and attends to having the witnesses brought into court. By this management, injustice is prevented and the cases are promptly disposed of.

The Agent does not wish it to be understood that all those whom he has had released from prison were innocent of the offences with which they were charged, but it must be remembered, the guilty as well as the innocent, are entitled to human sympathy and charity. He wishes it to be *distinctly* understood, that he has not, in any case, endeavored to shield the really guilty or to defeat the ends of justice, but, at the same time, he has deemed it to be his duty to interfere in cases of a slight character, or when they were accompanied with such mitigating circumstances as to make a longer confinement, not only unnecessary but oppressive.

His efforts have been principally in behalf of innocent persons, who, from time to time, have been committed to prison, and his prompt interference has enabled him to restore to suffering families, the parents on whom they depended for protection and support; and in this way he has saved many homes from being broken up and the members of the family from being scattered and ruined. The release of these persons from prison has been a saving to the tax payers of fourteen thousand one hundred and thirty-nine dollars and fifty cents (\$14,139.<sup>50</sup>/<sub>100</sub>), of which seven thousand five hundred and seventy-four dollars and eighty cents (\$7,574.<sup>80</sup>/<sub>100</sub>), would have been required for ignoring their cases, and six thousand five hundred and sixty-four dollars and seventy cents (\$6,564.70), would have been required for their maintenance, had they been detained in prison until the earliest period in the term of the Court for disposing of their cases.

The whole number of persons released through the interference of the Agent during the last fourteen years, since the commencement of the Agency, has been twenty thousand one hundred and eighty-nine (20,189) at a saving to the county of one hundred and seventy-two thousand two hundred and three dollars and ninety-eight cents (\$172,203.<sup>98</sup>/<sub>100</sub>), facts

which taken in a pecuniary point of view alone, would make his mission one of importance

Out of the forty-two thousand six hundred and fourteen (42,614) arrests there were but five thousand eight hundred and sixty-one cases (5,861) acted upon by the Grand Juries. Of this number there were two thousand four hundred and seventy-six (2,476) cases ignored, and three thousand three hundred and eighty-five (3,385) true bills found. On these true bills, but 555 were found guilty, sentenced, and recommitted to prison.

The expenses of the Criminal Court for the year were sixty-seven thousand and two hundred and two dollars and ninety-five cents (\$67,202. $\frac{95}{100}$ .) Paid as follows:—

To Jurors, nine thousand nine hundred and sixty-five dollars and eleven cents (\$9,965 11). Tipstaves, seventeen thousand four hundred and thirty-three dollars and twenty-five cents (\$17,433. $\frac{25}{100}$ ). Sheriff, six thousand dollars (\$6,000 00). District Attorney, fourteen thousand five hundred dollars (\$14,500 00), and to the Clerk of the Court of Quarter Session, *nineteen* thousand three hundred and four dollars and fifty-nine cents (\$19,304. $\frac{59}{100}$ .) This amount is independent of the salaries of the Judges.

The expenses for the support of the prison for the past year are one hundred and thirty-eight thousand and seventy-one dollars and thirty-nine cents (\$138,071. $\frac{39}{100}$ ), and the amount paid to the Police, during the same period, was eight hundred and sixty-seven thousand four hundred and fifty-nine dollars and seventy-two cents (\$857,459. $\frac{72}{100}$ ).

Of the number committed to prison within the year, twelve thousand three hundred and sixty-one (12,361) were white males, and four thousand six hundred and nineteen were white females. One thousand and twenty-five (1,025) were colored males, and five hundred and seventy (570) were colored females. The number of persons discharged from the County Prison during the year, were as follows:—By the inspectors, eight thousand one hundred and nineteen (8,191) who had been committed for drunkenness and breaches of the peace; and by the Courts, the magistrates and others in authority, ten thousand five hundred (10,500). Among this number were some prisoners whose term of imprisonment terminated during the year, but who had been sentenced in the year previous.

## OPENING OF THE NEW COURT HOUSE.

The new building for the Criminal Court was finished during the year and was opened for business on the fourth of March last, with Judge Ludlow on the bench. The session was commenced by showing that, while strict justice was the rule, the consideration of extenuating circumstances and mercy were not to be overlooked. The first case acted upon was that of two boys, who were tried for the larceny of a ham. Mr. Mann, the District Attorney, in addressing the jury, generously said, although the boys might be guilty of the offence of which they were accused, he did not ask the jury to convict them, as they were young and their previous character had been good. He thought the imprisonment they had already received while awaiting trial, was sufficient punishment to deter them from committing a like offence, and he would, therefore, recommend them to the merciful consideration of the jury.

The jury returned a verdict of not guilty, and after receiving some good advice from Judge Ludlow, the boys were discharged.

About this time Judge Allison, President Judge of the Court, prompted by a generous feeling, assigned your Agent a seat *inside the Bar* near the District Attorney, where he will have every facility afforded him to speak to the Court in behalf of accused persons—who may be innocent, or whose offences may be of so trivial a character as to require his attention. This kind invitation of Judge Allison, which has met with the approval of his brother judges, as well as with that of the District Attorney, is a circumstance to be remembered and speaks well for their benevolence and humanity. It is a favor that is appreciated by the Agent, as it will greatly facilitate him in his labors to release the oppressed and will enable him to command the respect of the officers of the Court whose services he so often requires in the subpoenaing of witnesses and otherwise for the benefit of the imprisoned.

## JUDGE ALLISON'S VISIT TO EUROPE.

Since this occurrence Judge Allison has visited Europe, accompanied by Mrs. Allison, and after an absence of over four months, they have returned safely. Refreshed and invigorated the Judge has again resumed his official labors. During his absence he visited England, Ireland, France, Germany, Belgium and Switzerland. He spent much of his time in Paris, in visiting the prisons, as well as the Exposition. He speaks of Paris as a well governed

city, and says he had not seen a drunken man or a beggar during his stay of a month in France. While he was there he had an opportunity of seeing the progress made in works of art and mechanical ingenuity. He also participated with the Americans in Paris, in their celebration of the Fourth of July, where he spoke for the cause of freedom, in a speech which was very favorably noticed by the press at the time. The account of his visit to these foreign countries is highly interesting and instructive. He has, no doubt, seen much which he will use to advantage in the administration of justice. We are glad to know that he and his amiable lady have returned safely and in good health.

We give the following from the *Press* and *Inquirer*, in reference to the Christmas dinner, given by Judge Allison to the Bootblacks of our city :

CHRISTMAS DINNER TO THE BOOTBLACKS.—Judge Allison's Christmas dinner to the bootblacks of our city was a decided success, and was an occurrence that will not soon be forgotten by those who participated in this feast of good things, which consisted of abundance of roast turkey, cranberry sauce, roast beef, celery, cold tongue, and a considerable number of other eatables, including pound cake, all of which were partaken of with a will and with a thankfulness which showed that the lads appreciated the kindness of the Judge, who, in the goodness of his heart, had so kindly remembered them. William J. Mullen, Esq., presided on the occasion, and made an address to the boys. After referring to the origin of Christmas, he said :

Judge Allison, your patron on this occasion, the President Judge of our Court of Common Pleas, and who is so highly appreciated by all good citizens, is a striking illustration of what education and Christianity will accomplish for man. He has a heart to feel for all, particularly so for boys that get into trouble, in whose behalf it becomes my duty as the Prison Agent, to appeal to him from time to time for mercy. In all which cases he acts with a sound discretion that does honor to his name and his heart. He does not always release from custody the young offender, but in mercy to him the Judge causes him to be punished, to deter him and others from repeating and committing such offenses. This is necessary for their good, and for the good of the community; but whenever and wherever he has an opportunity to gratify his feeling in showing mercy, with safety to the interests of society, he is just the man to do it.

Mr. E. H. Toland, the well-known friend of the boys, addressed them in a most encouraging manner in reference to the efforts that were now being made on the part of Mr. Gibbons and other good citizens who were endeavoring to establish a lodging house for them and for the newsboys. He spoke of the deep interest which many of our best citizens felt in their behalf.

The boys sat down to the table precisely at one o'clock, and after all had been well satisfied the exercises closed with the benediction precisely at two o'clock.

The boys were orderly and well behaved, and their conduct was such as to challenge the admiration of all who witnessed it.—*Philadelphia Inquirer*.

"Judge Allison contributed nobly and well to the enjoyment of a small family. His Honor took the bootblacks under his patronage for the day, and gave them a magnificent banquet. Geo. W. Childs, Esq., furnished his spacious press room for the occasion, and Mr. W. J. Mullen, the prison agent, at the request of Judge Allison, presided on the occasion. Tickets had been issued to twenty-five bootblacks, who, at the designated time, presented themselves, and were welcomed to the banqueting board, which contained all the good things necessary to make up a first-class dinner. A bill of fare was dispensed with, but the boys managed to get through from soup to raisins without the printed list. After the removal of the cloth Mr. Mullen, who exactly understands how to talk to children, addressed the boys, giving them some well-timed advice. Judge Allison no doubt regretted his inability to be present, but he can rest assured that the boys fully appreciated his handsome testimonial to them, and left the festival better, both morally and physically, than when they entered. It is a beautiful tribute to our institutions to see the President Judge of a Court, whose prerogative is higher than that of a lord chancellor of England, recollect the little bootblack, and contribute in a princely manner to his wants on a Christmas day.—*Philadelphia Press*."

The Law of February 18, 1789, which regulated the term of the Criminal Court so as to be held once in two months, was amended at the last Session of the Legislature, so as to require the term of the Court to be once a month, making twelve terms in the year instead of six, as was the case previously. The amendment to the law is a good one, as it affords an opportunity to dispose promptly of prison cases, and prevents innocent persons from being unnecessarily detained in prison. As it is, the Grand Jury now visits the prison monthly. This enables them, at an early moment, to dispose of all trivial cases of an oppressive character. As this bill was originally reported to the Legislature, it was decidedly objectionable, because it required Magistrates to make a return of all Court cases which came before them, within forty-eight hours after the binding over. This would have defeated all the good that was proposed to be accomplished by the law, as it would have deprived the Magistrates of the power to dispose of trifling cases. The consequences would have been, that the ten thousand persons who have been discharged by the Magistrates, from our prison within the last year by having the cases settled, would have been brought into Court and added to the five thousand eight hundred and sixty-one (5861,) which the Court has acted upon during the last year, thus increasing the business of the Court from over five thousand to fifteen thousand bills and proportionately increasing the expenses of the Court from sixty-seven thousand two hundred and two dollars and ninety-five cents (\$67,202.95,) to one hundred and seventy-nine thousand two hundred and eight dollars and ten cents (\$179,208<sup>10</sup>/<sub>100</sub>.) This enormous increase of expenses would not



only have been burdensome upon the tax payers, but it certainly would have been necessary to have had additional Courts and Judges to have tried these cases which were disposed of by the Magistrates.

These cases would not have been so disposed of had the bill been allowed to remain as it was originally passed by both Houses of the Legislature, but as it had not yet been signed by the Governor, your Agent exerted himself to the utmost to have it so amended as to require only cases of felony to be returned to Court within forty hours after a binding over, instead of *all cases*, which embraced assault and battery, misdemeanors and slight offences, such as could be determined by the Magistrates, without burdening the Court with so much unnecessary business.

After the magistrates had been seen, and their influence brought to bear upon the Legislature, and the *Public Ledger* and the *Press* had shown the impropriety of the bill, it was so amended, as not to interfere, in any way, with the business of the magistrates in the settlement of cases, and left the law precisely as it was, with the exception that magistrates were required to return all felony cases within forty-eight hours, instead of sixty days as had been previously the case. The amendment was a proper one to which no one could object. In this way the *Bill* was amended and passed by both houses, was signed by the Governor and became a law. This law has been in force since the first of April, 1867, has worked well and is found to be unexceptionable, and, as it now stands, is a decided improvement upon the old law.

## PRESENTMENTS OF THE GRAND JURIES.

The Grand Jury in their presentment to the Court in January last, say :

"That they had visited the County Prison and had found in the untried department, parties who had been confined four and six months without trial."

For the April term the Grand Jury "congratulate the citizens upon the very perceptible decrease of crime in the county, which they attribute to the improved state of morals and a renewed vigilance on the part of those in authority in vindicating the majesty of the law."

In the May term, the "Grand Jury deplore the existence of nurseries of vice, consisting of drinking saloons in our midst. These are the sources of nearly two-thirds of the cases brought before them."

The Grand Jury for the August term make the following statement to the Court. "In our action upon the indictments for selling liquor on Sunday we have been guided solely by the testimony and the instructions of the Court, irrespective of any

private conviction as to the policy of the law, but we desire to call attention to the fact that a very large proportion of the evidence before us was given by citizens or members of families who had suffered from the persistent violation of this law, instead of being furnished by the officers of the law, on whom properly devolves the responsibility of its enforcement, and whose opportunities of observing its infraction are necessarily superior to those of private individuals, who should not be left to take the initiative in the prosecution of offenders. Facts which have come to our knowledge render it necessary for us again to call the attention of the proper authorities to the urgent necessity which exists for a House of Correction. This is a matter which has been very long before the public, and we cannot but regard it as a disgrace to a city of the size and wealth of Philadelphia, that it should still be in want of an institution so indispensable for the proper disposition of so large a proportion of cases."

In the presentment for September the Grand Jury say, "They had visited the County Prison and find that the building in which are detained all the male prisoners, from the vagrant to the murderer, is in a very crowded state. In many of the cells of the convict department, three prisoners are necessarily placed in a space intended for one. In the block, appropriated to the untried, the drunkards and vagrants, the number of prisoners greatly exceeds the number of cells. The law requires that all convicts shall be separately confined, and justice and humanity demand that the untried prisoners, who, until proved guilty, must be regarded as innocent, shall not be placed with the old convicts. The erection and maintenance of a House of Correction, so much needed and often proposed, and which is by us earnestly recommended, would not lessen the necessity for more prison room, as after all that would be released to enter the House of Correction, there would still be separate cells only for one half left. The Prison Agent, William J. Mullen, is indefatigable in the discharge of his important duties, releasing a large number of innocent persons sent to prison through improper motives. The Grand Jury are of opinion that many trifling cases brought before them might have been settled before the magistrates, and that three-fourths of the misdemeanors are chargeable directly or indirectly to the sale of intoxicating liquors under the present license law which ought to be remedied. While Divine and human laws have indicated the importance of a day of rest from labor and cessation from business, at least once a week, it has been a marvel to us why the most objectionable commerce should be allowed and that too in violation of positive statutes."

Governor Geary, like all previous governors, for the last fourteen years, has given the following commission to your Agent to visit the prisons of the Commonwealth.

#### COMMISSION.

In the name and by the authority of the commonwealth of Pennsylvania, John W. Geary, Governor of the said commonwealth.

To the Agents of the prisons, to the sheriffs of the counties, and to the

keepers of penitentiaries, in the commonwealth of Pennsylvania. The bearer, WILLIAM J. MULLEN, Esq., of the city of Philadelphia, is the appointed Agent of the Public Board of Inspection of the Philadelphia County Prison, and of the well known benevolent society for the Amelioration of the Miseries of Public Prisons, chartered by the Legislature of Pennsylvania.

You are requested to give him access to all prisoners under your charge, and to afford him all proper facilities in obtaining such information as will be useful in the prosecution of his benevolent purposes.

Given under my hand and the great seal of the State at Harrisburg, this thirteenth day of February, in the year of our LORD one thousand eight hundred and sixty-seven, and of the commonwealth the ninety-first.

By the Governor.

F. JORDAN,  
*Secretary of the Commonwealth.*

Mahlon H. Dickinson has also been appointed by the Governor an Inspector, with authority to visit, examine, and inquire into the condition of all the prisons and almshouses throughout the State. This appointment was made in accordance with the new law enacted at the last session of the Legislature. A better appointment than Mr. Dickinson could not well have been made. He has attended to the duty assigned him in a way that speaks well for his intelligence, and reflects great credit upon him as a man. His inspection of the prisons of the Commonwealth has been thorough and fearless; he has spoken out, in reference to the mismanagement and abuses of the prisons which he has visited, in a manner not to be misunderstood, and that will not fail to be productive of good. We hope that he will continue in his praiseworthy work, until every prison in the State shall be established upon the separate system and managed in a proper manner. What he has already done shows the great necessity for his continuing in well doing, and he has my best wishes for his success.

The Agent has given attention to discharged convicts, whom he receives upon their leaving the prison; furnishes them with needful clothing; procures a temporary home for them when necessary, obtains employment for them when practicable, purchases tickets, or gets free passes for those that desire to go to their friends, or where they can get employment, and performs such other offices as may tend to benefit the prisoner, and by so doing assist him to help himself instead of leaving him to go back to his old associates, who would be likely again to lead him into crime.

## HOUSE OF CORRECTION.

It would appear that we are now likely to have the long talked of House of Correction, as our City Councils have recently appropriated one hundred thousand dollars (\$100,000) for that object. The site they have selected for it is immediately in the rear of the County Prison, taking in a portion of the parade ground. They propose to commence the work after some additional legislation upon the subject. It is greatly to be desired that no time should be lost in the erection and establishment of this institution, which is so much required to relieve the over-crowded state of our prison, of vagrants and drunkards, who now unnecessarily occupy so many of our prison cells.

## DEBTORS' PRISON AND THE FEMALE DEPARTMENT.

During the past year the Councils have appropriated twenty thousand dollars (\$20,000) for the extension and enlargement of our female prison. The work has rapidly progressed and is near its completion. It is carried on under the immediate direction of Inspector Chandler, who is daily in attendance, and who has given special attention to the ventilation, sewerage, and construction of the cells. He seems to have left nothing unthought of that is calculated to secure the health and comfort of this class of prisoners, so far as was consistent with the law. The Committee of Inspectors as well as the Committee of Councils, who have co-operated with Mr Chandler, are well pleased with the faithfulness and dispatch with which the contract has been carried out thus far, by the contractor, Mr. Geo. W. Ash. When finished it will give forty additional cells. This will not only supply ample accommodation to the female prisoners, but will also afford a suitable residence for Mr. Augustus Sargent, the keeper of the female department, who will occupy a portion of the building that was formerly used as the debtors' prison. This is as it should be, as it will give him greater facilities in his management of this department of the prison. This prison is not, hereafter to be used for debtors, as by an Act of the last Legislature it was taken out of the hands of the sheriff and placed under the direction of the inspectors, to be used as they may think best for general prison purposes.

## MANAGEMENT OF THE PRISON.

The economy and good management of the prison by the Inspectors has been such as to command universal approval. There have been some

changes in the Board of Inspectors within the past year, occasioned by the resignation of Herman Cope, and in consequence of the death of our much beloved and highly esteemed friend Dr. William B. Shippen, whose efficiency and usefulness in the management of the prison will not be soon forgotten. He has been faithful as an Inspector, and it may be truly said that he has done well, not only in the instruction and advice given to prisoners, but he has contributed largely to the judicious management of the prison. He has passed away to receive the reward of a well-spent life. His name will be remembered by all whose privilege it was to be associated with him in the work of benevolence. He had served the Prison Society as its Vice President and otherwise for a period of over twenty years. He was the one who first went through the prison with your Agent, and initiated and instructed him as to his duties, fifteen years ago, and from that time until his death the Agent found in him a good counsellor and a true friend, whose intelligence and good sense enabled him to give such advice from time to time, as materially to assist your Agent in the prosecution of his arduous labors. No one can more deeply deplore the loss of this good man than the Agent, who has been so much benefitted by his counsel. It may, indeed, be truly said of him,

“Servant of God, well done.”

The efficient services of Mr. William B. Perkins, as the Superintendent of the prison, are such as to command the highest praise, for his good management in preserving order and cleanliness. This, together with the vigilance of the Inspectors, and the timely adoption of sanitary measures, has prevented the spread of the jail fever, which, at one time, presented such a threatening aspect as to make it necessary for the Inspectors to release a large number of prisoners at one time. These consisted for the most part of vagrants, drunkards and paupers, who had to be discharged in order that the prison might be ventilated and purified. By this prompt management of Inspector Chandler and others, the disease was checked and confined to about eighteen cases. This fever was mainly prevalent in the women's department which is now being enlarged, and this doubtless will prevent occurrences of the kind in the future. The health of the prisoners is good at present, notwithstanding the crowded condition of the prison. Dr. Henry Y. Smith, the Prison Physician, and his attentive and active assistant, Dr. Butcher, continue to render their valuable services to all who need them.

## MORAL INSTRUCTION.

The moral instruction on the Sabbath day, under the direction of your Agent, continues to be satisfactory to the prisoners. Its duties are attended to by the Association of Methodist Ministers, and occasionally by Ministers of other denominations who are attentive and render efficient services.

The large number of insane persons who have been committed to prison within the year, have been promptly attended to by your Agent, who had their cases settled. The necessary certificates, certifying to their insanity, have been obtained from the Prison Physician, and orders procured from the Guardians of the Poor to admit them into the Insane department of their Institution.

It is gratifying to your Agent to know that he continues to have the confidence of the Court, and he is grateful for the courtesy and kindness that have been shown him by the Judges, the press and Inspectors.

The Board of Inspectors in their last annual Report, referring to the Agent, say :

"The services of the Agent, Mr. W. J. Mullen, have accomplished a great amount of good. He is a faithful and efficient officer, and discharges the peculiar duties imposed upon him with delicacy, tact, and zeal. Mr. Mullen's reports will be found highly interesting."

In conclusion, the Agent desires to say, while acknowledging the many mercies and blessings daily received from the SOURCE OF ALL GOOD, that he is especially thankful, not only that his life and health have been preserved to him while many of his good friends and co-laborers have been taken away, but that he is still permitted to exist under favorable circumstances, and to go forward, doing whatever may be in his power to ameliorate the condition of suffering humanity; and among the blessings not the least is the restoration of his sight which he, at one time, feared would be lost to him, but by proper surgical aid it has been sufficiently restored to enable him to continue in the important work assigned him.

All of which is respectfully submitted,

WILLIAM J. MULLEN,

*Prison Agent.*

## SCHEDULE

*Showing the Number of Cases Discharged from the Philadelphia County Prison, from January 1, 1867, to January 1, 1868, through the influence of W. J. MULLEN, Prison Agent, their further detention not being deemed necessary, as it did not appear, upon investigation, that they were guilty, or if so, as was the case in some instances, the punishment they had already received being regarded as sufficient.*

These were all Court Cases.

| OFFENCES.                       | January. | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. | December. | TOTALS. |
|---------------------------------|----------|-----------|--------|--------|------|-------|-------|---------|------------|----------|-----------|-----------|---------|
| Arson.....                      | 1        | 1         | 1      |        |      |       |       |         |            |          |           |           | 3       |
| Adultery.....                   |          |           |        |        |      |       | 1     | 3       | 2          |          | 2         | 1         | 9       |
| Assault and battery.....        | 6        | 9         | 26     | 18     | 32   | 17    | 21    | 27      | 34         | 32       | 18        | 18        | 257     |
| Abuse and threats.....          |          | 9         |        | 1      | 9    | 5     | 4     | 17      | 5          | 2        | 5         | 2         | 59      |
| Assault.....                    | 7        |           | 14     | 5      | 5    | 5     | 2     | 9       | 4          | 9        | 3         | 1         | 64      |
| Abuse.....                      |          | 3         | 3      | 2      | 3    | 6     | 3     | 10      | 2          | 4        | 2         |           | 38      |
| Burglary and felony.....        |          |           |        | 2      | 1    |       |       |         |            |          |           |           | 3       |
| Bigamy.....                     |          |           |        | 1      |      |       |       |         | 1          | 1        |           |           | 2       |
| Concealed weapons.....          | 1        |           |        |        | 1    |       |       | 3       | 2          |          | 2         |           | 9       |
| Counterfeiting and forgery..... |          | 1         |        |        |      |       |       |         |            |          |           |           | 2       |
| Conspiracy and perjury.....     | 2        |           | 2      |        | 1    | 1     |       | 5       |            |          |           |           | 11      |
| Corner lounging.....            |          |           |        |        | 1    | 4     | 2     | 5       |            |          | 1         |           | 13      |
| Cruelty to animals.....         |          |           |        |        |      |       |       | 1       | 1          |          |           | 1         | 3       |
| Disorderly house.....           | 1        | 2         | 2      |        | 2    |       | 2     | 4       |            | 6        | 4         |           | 23      |
| Desertion (wife).....           | 1        |           | 1      | 6      | 3    | 1     |       |         |            | 1        | 3         |           | 16      |
| False pretences.....            |          | 6         | 1      | 2      | 2    | 1     | 1     |         |            | 1        | 1         |           | 14      |
| Poisoning.....                  |          |           |        |        |      |       |       |         |            |          | 2         | 1         | 3       |
| Indecent exposure.....          |          |           |        |        | 1    | 3     | 4     | 4       | 2          |          | 1         | 1         | 17      |
| Interfering with officers.....  |          |           |        |        |      |       |       |         |            | 2        |           |           | 2       |
| Illegal voting.....             |          |           |        |        |      |       |       |         |            | 2        |           |           | 2       |
| Libel.....                      |          |           |        |        |      |       |       |         |            | 1        |           |           | 1       |
| Larceny.....                    | 4        | 29        | 11     | 7      | 5    | 11    | 8     | 5       | 16         | 13       | 15        | 8         | 132     |
| Malevolent mischief.....        | 4        | 3         | 4      | 1      | 5    | 6     | 2     | 5       | 4          | 2        | 1         | 7         | 44      |
| Misdemeanor.....                | 8        | 35        | 35     | 22     | 22   | 26    | 28    | 53      | 71         | 45       | 37        | 39        | 430     |
| Riot.....                       | 4        | 2         | 2      |        |      |       | 2     |         | 2          | 1        |           |           | 13      |
| Street walking.....             |          |           |        |        | 3    | 3     | 3     | 4       | 25         | 13       |           | 7         | 58      |
| Suspicion of larceny.....       |          |           | 1      | 4      | 2    | 1     | 1     | 2       | 1          |          |           | 1         | 13      |
| Threats.....                    | 5        | 2         |        |        | 6    | 11    | 6     | 7       | 13         | 12       | 7         | 7         | 76      |
| Totals.....                     | 44       | 102       | 103    | 71     | 104  | 113   | 88    | 166     | 182        | 146      | 104       | 94        | 1327    |

TABLE.

*Showing the Number of Persons Released annually, through the efforts of W. J. MULLEN, Prison Agent, from the time of his appointment, and the amount saved annually during the same period of time in maintenance and costs.*

| YEAR.       | Number Released. | Amount Saved in Maintenance. | Amount Saved in Costs. | TOTAL AMOUNT SAVED. |
|-------------|------------------|------------------------------|------------------------|---------------------|
| 1854.....   | 1006             | \$3,423.75                   | \$7,258.50             | \$10,682.25         |
| 1855.....   | 1244             | 4,254.48                     | 8,981.68               | 13,236.16           |
| 1856.....   | 1301             | 4,897.38                     | 9,377.00               | 14,274.38           |
| 1857.....   | 1249             | 4,238.00                     | 4,608.00               | 8,846.00            |
| 1858.....   | 1270             | 4,473.00                     | 4,848.00               | 93,321.06           |
| 1859.....   | 1159             | 4,912.80                     | 4,126.80               | 9,039.40            |
| 1860.....   | 1305             | 5,279.44                     | 6,069.58               | 11,349.02           |
| 1861.....   | 1182             | 3,610.16                     | 6,235.05               | 9,845.21            |
| 1862.....   | 1223             | 3,618.77                     | 7,093.40               | 10,612.17           |
| 1863.....   | 1491             | 5,164.69                     | 8,759.59               | 13,924.28           |
| 1864.....   | 1490             | 8,723.60                     | 8,415.80               | 17,139.40           |
| 1865.....   | 1410             | 8,966.70                     | 8,178.00               | 17,144.70           |
| 1866.....   | 1480             | 8,709.00                     | 8,584.00               | 17,293.00           |
| 1867.....   | 1817             | 6,648.70                     | 7,638.60               | 14,287.30           |
| Totals..... | 18,127           | \$76,820.27                  | \$100,174.00           | \$176,994.27        |

The total number released through the interference of the Agent was 20,189; of this number 2062 were released previous to the publishing of above-named Annual Report.

## THE AGENT'S PROCEEDINGS.

The following extracts are from the Prison Society's Journal for 1867. They are from the pen of the Hon. Joseph R. Chandler, who is in attendance at the Prison daily, and as he gives his whole time to the inspection of the Prison he is fully competent to judge as to the duties and labors of the Agent:

"The Society continues its labors through the agency of WILLIAM J. MULLEN, and has reason to believe that great good has been done by the timely interference in behalf of prisoners, whose friendless condition left them almost hopeless sufferers in the cells of the Prison.

"Mr. Mullen must, in the past year, have procured the release of more than thirteen hundred persons committed for trial, of several hundred who having been committed absolutely, were discharged by the magistrate through Mr. M.'s interference.

"It is impossible to form an adequate idea of the amount of misery endured by the head of a family in prison, and the family itself at home with the father or mother in that condition. We do not allude to the shame, the wounded family pride caused by this incarceration, but we refer to the absolute physical suffering resulting from the loss of the day by day income for the parent's labor. This of course leads to moral social evils, as the want of parental provision and discipline at home often sends the children abroad to obtain what they require without much discrimination as to the means employed for that desirable end.

"But the imprisonment of the father or mother often leads to a mental suffering that would create sympathy in every well regulated mind.

"'But,' it is asked, 'are all those whose releases are procured by the agent, innocent of the crime charged upon them.'

"The answer is explicit, 'No.'

"Is it then laudable to save from punishment persons who have been guilty of a violation of the penal laws of the State?

"We answer, that when the end proposed by the infliction of punishment has been attained, all infliction beyond, is, at least useless, if not unjust.

"Crimes must be punished, so that it may be evident that the laws of society distinguish between the good and the bad, so that the offender may know that he cannot with impunity violate the rights of others, so that seeing this, he may not be tempted again to expose himself to the penalties of the violated statute, so that the offender may be mended as well as punished, and by all these, so that society may be guaranteed against the misdoings of the offenders.

"Often, very often has the Agent been called to examine a case of a prisoner in which it was found that the act charged had really been committed—perhaps some petty pilfering for the first time. One night spent in the station house that the alderman may hear the testimony against the accused, in order to commit him to prison for trial, is something from which a sensitive mind must revolt. A residence in the untried apartment of the County Prison, in companionship with filthy and hardened offenders awaiting the action of the Court of Sessions, may be regarded as something



in the way of penance. Enough at least to show that the law and its ministers have no idea of allowing crime to go unnoticed—undistinguished from virtue. Enough to satisfy the accused that he is not master of the situation which he has assumed. Enough to make him say to his visiting friends, 'I have felt enough to satisfy me that not only must I make restitution in some form to men and society whom I have injured, but I must give security that I will not repeat the wrongs I have committed.' It is due to those with whom Mr. Mullen deals to say, that many seem to find enough, full enough in these preliminary punishments to lead them to repentance, when there is reason to believe that had the punishment proceeded to the trial, conviction and imprisonment of the offender, his course of life would have been fixed in the pathway of crime. None can judge of this like one who has been for seven years watching, at the cell door, the movements, and listening to the language of young prisoners. It is not difficult to ascertain pretty well the amount of sincerity in the language of regret used by those newly accused; to one accustomed to the scene it is easy to distinguish between remorse for the crime and regret for the consequences, between mortification at the loss of position and regret for the disgrace brought upon others. A friend at the door hears and understands all this, and satisfied that the moment is pregnant with the fate of the young man, the agent proceeds to procure a settlement of the case, and in a large majority of the instances of his interference the results have been the restoration of the offender to society, and his entire separation from the class of persons with whom he has been unprofitably associated."

This abatement of a vast amount of evil we cannot doubt operates beyond individual comforts into public proprieties, and many who have indulged in bad habits of rushing to an alderman upon every occasion of offence received, that they may punish an offence given, that they may avoid punishment, have learned a wholesome lesson to bear and forbear, to give and to forgive.

It is worthy of remark that a large number of the cases of which the Agent procures the settlement before, or in Court, the prosecutor himself pays the cost, and contributes something towards placing the accused beyond the reach of temptation, or at least where employment may be secured. It is wonderful how placable are many people who seem to be irascible and bitter; it needs, in most cases only the persevering mediation of some kind hearted person whose common sense and disinterestedness are as apparent as are his desires to reconcile.

In this great work, the Society by its Agent believes that it stands prominent among all associations for alleviating the miseries of public prisons.

We should, if we had space, give some extracts from the interesting monthly reports of Mr. Mullen, as to his success in procuring the release of prisoners; but important as they seem and abundant as they are, we lose a portion of their interest by being unable to follow him in the work of providing for the discharged prisoner; and we lose much more in the fact that the smaller cases that are less difficult and less striking have no report, although the mere sending home of a father or mother that has erred, to children that are suffering for want of the customary earnings or customary care may often, save from destruction, certainly from suffering, many whose cases are as important to themselves as are those of people that have distinguished themselves by great deviations from propriety.

It is impossible to make these things fully understood by those who have not seen prisoners in their cells, inquired into their condition, and ascertained the amount of suffering which the absence from their family produces, and how little good it does, and how little evil it prevents to hold them thus incarcerated. We do not mean that vice should not be condemned nor the vicious punished, but we would have great discrimination in all commitments, and equal care in all discharges.

Society is more injured by the confirmation of an erring one in guilt, by injudicious imprisonment, than it could have been by the exercise of the liberty which penitence had asked and charity granted. The prison is always open to receive any who fail of redeeming their pledge, to avoid vice and crime. It would be well if society were as open to receive and encourage those who have given a pledge not to return to crime and vice.

The law has a name for the *crime* of multiplying suits without cause, and it has a punishment for those who are proved to have committed that crime. It would be a blessing to society at large if in this matter the laws would provide a preventive as well as a penalty. Independent magistrates, we mean magistrates made independent of fees, by a fair, competent salary, could and would prevent much of the vexatious litigation that fills the prison-cells, offends the Grand Jury, and multiplies the vexations of our criminal courts and the expenses of the county. We know of no other preventive. Mr. Mullen does immense good by saving from twelve to fifteen hundred people a year from trial, that would probably only keep them for a time in prison, and keep up the taxes of the city. There is work for the Agent, ample work to occupy all his time, even were there no commitments that the law will not sustain and the Grand Jury will not condemn.

#### CASES RELEASED THROUGH THE INTERFERENCE OF WILLIAM J. MULLEN, PRISON AGENT.

The following is a selection of cases illustrating the commitments and their character.

The first four cases here given are reconsideration of sentences but not of recent date. They are from the proceedings of previous years, and have been alluded to in other reports. As they are out of print and as their republication has been asked for they are here inserted. The other cases are of 1867.

**NUMBER 1**—A remarkable case of the conviction and reconsideration of the sentence of an innocent man, on after discovered testimony, procured by the exertions of the Prison Agent, and that was not known to the prisoner, to his counsel, nor the Court, at the time of the trial. Had it been known it would have been fatal to the case, and the prisoner could not have been convicted under the circumstances.

One of these circumstances was, that the prosecutor was an impostor, who prosecuted under a fictitious name; this, if known at the time, would have been fatal to the conviction.

Another circumstance was, that the money was proved to belong to the prisoner, and was in his possession before he was accused of stealing it.

This was the case of a man charged with robbery, tried, convicted, and sentenced to nine months' imprisonment by Judge Oswald Thompson, August 24, 1855. This sentence was reconsidered at the Judge's residence, at the hour of midnight, on the 17th of November, in the same year.

This was done at the request of the Agent, who presented to the Judge eight affidavits from respectable citizens, who testified to the entire innocence of the prisoner, and proved that his prosecutor was an impostor and a swindler; that he prosecuted the case under a false name, to avoid detection in this great fraud to obtain the money; calling himself by a certain name, but it was afterwards proved satisfactorily that the name which he had given was not his proper name, and that he was known by another name in Pottsville, where he had lived and transacted business. It was also shown, and he himself admitted, that he had slept in a police station house in the upper part of the city on the night previous to the morning of the alleged robbery. His reason for doing this was, that he had no money. Notwithstanding this fact was known in our city, he went to the residence of the prisoner, who kept a hotel for the accommodation of travellers and emigrants in Water near Walnut street.

After drinking pretty freely at the bar, he asked permission to go to bed and have a sleep, as he said he had been travelling all night and was fatigued: his request was complied with. After he had been in bed about two hours he came down and took another drink at the bar. He then said that the prisoner had come up stairs, put his hand in his pocket and robbed him of \$170, in ten dollar gold pieces, and that he saw the prisoner do this. After stating this, he went to a police officer and informed him that the prisoner had robbed him of \$170 in gold. The prisoner was then arrested, taken to the central station at the Mayor's office and searched, his watch taken from him, and \$220 in gold was found upon his person. Of this money, \$170 was in ten dollar gold pieces, the balance was in gold coin, of a smaller denomination. In addition to this there were some bank notes, which made the whole amount \$242. All of this money was in a bag in his side pocket.

The prisoner got into the difficulty by spreading the contents of this bag upon his counter, at a time when he was looking for some small change to give to his prosecutor, who had been drinking at the bar.

During the short period in which the money was exposed in this way, the prosecutor made a quick count of the ten dollar gold pieces, which amounted in all to \$170, while the whole amount in gold was \$220. The prosecutor was in a destitute condition, being almost penniless, and having but enough to pay for a few drinks, he was tempted to put money in his pocket by saying the prisoner had robbed him of \$170 in gold. When the prisoner was searched, the fact of his having this amount of money in ten dollar gold pieces in his possession, and it being precisely

the kind which the prosecutor said he had lost, the presumption was, that he was guilty of stealing it. He was then bound over to await his trial. In the mean time he employed first class counsel, Frederick Carroll Brewster, Esq., the present Judge Brewster. This able lawyer thoroughly prepared himself to plead the prisoner's cause, and in a trial which lasted several days, did most ably defend him; but, notwithstanding the fact that all had been done that could well be done at the time, to show the innocence as well as the good character of the prisoner, he was convicted and sentenced by Judge Thompson to nine months imprisonment. After his conviction, a motion for a new trial was made, and upon the argument his counsel, Mr. Brewster, produced several affidavits. One as to the prosecutor's poverty, and another as to the possession by the defendant, of gold coins before the supposed larceny. His counsel relied upon these, the undoubted good character of the defendant, and the improbability of the accusation, but all this to no purpose; a new trial was refused. After this had happened, the Judge instructed the Clerk of the Court to take \$170 in gold from the money bag of the prisoner, and hand it to the prosecutor, who said he had been robbed of it. The balance of the two hundred and forty-two dollars was then handed to the prisoner, and he was taken to jail to serve out his sentence. Before he was locked up he was stripped, and his body thoroughly examined, and all marks and scars found upon his person carefully noted and recorded, with a full description of his height, by measurement, together with the complexion and color of his eyes, his age and birth-place were also recorded, as well as other incidents connected with the case. His clothes were then taken from him and put away for safe keeping, and after having been clothed with prison garments, he was taken to a cell, where he remained nearly three days without eating any thing of any account. The prison fare had been daily offered to him, but he had no appetite to eat and he could not sleep, as he was in a state of high nervous excitement. This had been occasioned by his unexpected conviction, and by the thoughts of his being taken away from a prosperous business, his wife and children, and from his peaceful home, together with the loss of character and the impending ruin of himself and his family that was in prospect. All this had caused him to give up in despair. He said he was innocent and he could not understand how it was that he should be convicted, and that his money should be taken from him and be handed to this prosecutor who had caused his ruin.

It was in this condition that the Agent saw him for the first time and pitied him, and begged of him to be composed and to partake of some nourishment, and live for the sake of his family. If he would only do this the Agent promised to make an extra effort to prove his innocence if such a thing could be done. He replied, "that was impossible, all that mortal man could do had already been done by his counsel, that he knew he himself should not live long, but, in his last dying moments he would pray for Mr. Brewster, who had so nobly and so eloquently defended him, and if he (Mr. Brewster) could not show his innocence, it was no use any one else trying." The Agent told him not to talk that way, for just as sure as he was a living man, if he was innocent, the Agent would show it, and have him released from prison. At this statement the prisoner took encouragement and partook of some nourishment.

When he had somewhat recovered, the Agent questioned him as to the history of his case, and asked him with whom he was in the habit of transacting business, from whom he purchased supplies for his hotel, and what he knew of his prosecutor. He said, "he knew nothing of him, that he had never seen him nor heard of him before the day that he came into his house and accused him of robbing him." He also said that the prosecutor had stated that he came from Pottsville the night previous.

Upon this information the Agent went to work and inquired at Pottsville as to the character of the prosecutor, when it was shown by the affidavit of a resident of that place, and who was a member of the Bar, that the prosecutor was an impostor, and that his right name was altogether different from that by which he prosecuted the prisoner. It was also shown by other witnesses at Pottsville, that his character was bad; that he was in a penniless condition, and that in consequence of this he left Pottsville and came down upon a coal train to Philadelphia, and then went to the police station in Port Richmond, where he represented himself as poor and friendless and without money. Upon these statements he was received into the station house for the remainder of the night, and the next morning he was turned out with other paupers. He then went down to the hotel of the prisoner at an early hour of the morning and asked for something to drink, and stated that he had been travelling all night and wished to have a sleep. When the Agent had discovered this much in reference to this bad man, he *then* looked into the character of the prisoner. All who knew him spoke well of him, and said he was a remarkably honest man, that he always carried a bag of gold with him, and was in the habit of displaying it on occasions when he made his purchases, and that he paid cash for every thing he bought.

Two women testified on oath to seeing the prisoner with the money *previous* to his being accused of stealing it.

The Agent saw a man, a grocer, who testified on oath that, "he knew the defendant to carry, generally, large sums of money about his person, that he knows the defendant is unacquainted with the quality of bank notes, for which reason he always prefers and insists upon taking gold in his dealings." And further deponent saith, "that on one occasion defendant having made a purchase at his store, he left on deponent's counter his purse or a bag which, on examination, deponent found to contain a large sum of money in gold."

In addition to this the grocer also said, that "when he examined the contents of this bag he made a memorandum, which he still had in his possession, and which showed that this \$170 in ten dollar gold pieces was in the bag when the prisoner, by accident, had left it upon his counter. On this occasion he had purchased a bill of groceries, among which were some lemons and loaf sugar, which he wanted for immediate use, for a customer who was then waiting in his bar room. After he had laid his bag of gold down on the counter, he took up his lemons and loaf sugar, and left in haste to wait upon his customer. This haste was the cause of his leaving the money, which was afterwards seen, examined, and returned to him by the grocer. This happened just previous to his being accused of stealing the money, and at a time when the prosecutor had not yet left Pottsville.

The above, with five other affidavits had been procured, all of which tended to show the innocence of the prisoner. The Agent being fully satisfied as to his good character and innocence, immediately went to the residence of Judge Thompson, accompanied by a Prison Inspector, and presenting these affidavits to the Judge asked him for a reconsideration of the sentence, telling him at the same time, that he believed the prisoner was innocent. This request was at first refused by the Judge, as he said, "he felt fully satisfied of the prisoner's guilt, that the trial had been a protracted one, and had been managed with great care and skill on the part of Mr. Brewster, the prisoner's counsel, who had shown a zeal and an energy in the case that were worthy of a better cause, and as the ring of Mr. Brewster's eloquence was not yet out of his ears, and as he well remembered the testimony, and was fully satisfied of the prisoner's guilt, he positively refused to hear anything further in the case."

One reason why he said this, was, because it was a late hour of the night, and he had court documents before him, which he had to examine, and that must be attended to.

The Agent then said to the Judge, in a firm, respectful, and impressive manner, "that he could not leave without a full hearing of the case, but would prefer remaining where he then was, to urge the case until he should fall down in death."

This wise and good man's mind was such as to enable him to, at once grasp and appreciate the good intentions of the Agent who was so persistent on this occasion in urging the claims of the prisoner. The Judge being astonished at this extraordinary effort on the part of the Agent, consented to set aside the urgent business before him and fully and thoroughly examine the Agent and hear what he had to say, and also examine the affidavits which tended to prove the innocence of the prisoner. This done, the Judge expressed himself to be fully satisfied of the prisoner's innocence, and commended the Agent for his perseverance. The Agent then asked him if he would reconsider the sentence and instruct the Clerk of the Court the next day to give a discharge for the prisoner. He said, "No,—I will reconsider it *at once, he must be discharged to-night*, midnight as it is, I am unwilling that this innocent man shall remain in prison one moment longer than is absolutely necessary, and I am surprised that such a thing should have happened in a Court over which I presided, and where such great care had been taken in the management of the case." He immediately wrote out the reconsideration of the sentence, which was accompanied by a letter to the jailor, that asked for the prisoner's immediate release upon his, the Judge's, responsibility. He also promised to instruct the Clerk of the Court on the next day to send down a regular formal discharge containing the seal of the Court. This promise was carried out. Having obtained the consent of the jailor, the Agent saw that the prisoner was discharged about three o'clock in the morning, several hours previous to the regular discharge having been sent down.

The prisoner was really and truly thankful to the Agent for the searching investigation made of his case, which had redeemed his character and restored him to his family, and to society as an honest man.

All this was done without any cost whatever to the prisoner or any one else.

After the above case had been written out for publication, it was sent to Judge Brewster for his examination and approval. The following reply has been received by the Agent.

GERMANTOWN, *Monday Morning.*

WM. J. MULLEN, ESQ., *Prison Agent.*

DEAR SIR:

Your statement of the above case was received on Saturday P. M. I have examined it with some care, and so far as my knowledge extends, it is a very correct narrative of this singular case. I, of course, know nothing of what passed at the prison or the Judge's house. I should add that your efforts in behalf of this oppressed and injured man are worthy of all praise.

I am very respectfully and truly yours,

F. CARROLL BREWSTER."

## NUMBER 2—RECONSIDERATION OF SENTENCE BY JUDGE ALLISON,

In the cases of nine Germans who were tried and convicted upon the charge of assault and battery, and sentenced by Judge Allison, July 15, 1856, to pay a fine of one cent, to pay the costs of prosecution, and to undergo an imprisonment, two of them for nine months each, and the remaining seven for six months each.

These prisoners were accused of seriously injuring a Jew boy, about fourteen years of age, by sticking him with pins the whole length of his spinal column, and marking him in a similar manner across the shoulders, leaving upon his back a complete cross, which was filled up with India ink, similar to the manner in which sailors amuse themselves by marking different portions of their bodies.

The prosecutor in this case, the father of the boy, was an old Jew and a pauper. Just previous to the commencement of the prosecution, he and his son had been inmates of the Almshouse; immediately upon leaving there, they went to a German boarding-house for the accommodation of emigrants. In this house were six Germans who had just arrived from Germany, and were consequently strangers to the country, and could not speak English. They had in their possession considerable money, and were on their way to the West to purchase land, intending to settle there. During their temporary stay at this German boarding-house, the prosecutor, the Jew father, conceived the idea of extorting money from these friendless

strangers, by accusing them of assault and battery on his son, seriously injuring him and destroying the vitality of the nervous system, by injuries inflicted on his spinal column, in the manner above described. He also accused the landlord and two others of assisting the Germans in committing this outrage upon his son ; as a compensation for the injuries alleged to have been inflicted he wanted each of these nine men to pay him a handsome sum of money, threatening them that if they did not pay the amount demanded, he would prosecute and imprison them. As the accused knew themselves to be innocent, never in any way or manner having injured the boy, they at once indignantly denied the charge and peremptorily refused to pay a single penny. In the hope, however, of frightening them and compelling them to comply with his demand, he brought suit against them, which he afterwards prosecuted to a conviction. This was accomplished by carrying the boy into court upon his back and setting him down upon a table, as if the injuries were of such a serious nature as totally to deprive the boy of the use of his limbs. The boy acted his part so naturally and so well as to make a very favorable impression upon the Court and Jury, who pitied him in his apparently paralyzed condition ; all who saw him believed that he had lost the use of his limbs, and that it was necessary to *carry* him into court to enable him to give his testimony against those whom his father accused of placing him in that pitiable condition. The prosecutor had so far succeeded in working upon the sympathy of a German benevolent Society as to lead them to take an active interest in his case, and induced them to procure the services of one of our most distinguished lawyers to aid the District Attorney in prosecuting these innocent men ; no means were left untried to procure their conviction, it being thought at the time that the injuries inflicted upon the boy were of so serious a character as to justify an extra effort to secure the conviction of the defendants, in order to deter others from committing such a gross outrage in the future. Upon the trial the father and son both testified that these men had committed the assault and battery upon the boy by holding him down and sticking pins into him, and in that way had so injured him as to deprive him of the use of his limbs ; the father further testified that the prisoners told him, (the prosecutor was a Jew) the Jews had crucified the SAVIOUR and put Him to death upon the cross, and as they were Christians they wished to retaliate by crucifying a Jew, and they at once commenced their work of torture by making the cross upon his son's back ; all this was afterwards proved to be false ; this testimony, however, and the paralyzed condition of the boy, so excited the sympathy of all who witnessed it, and especially that of



the Jury, that they at once pronounced the prisoners guilty, without leaving the box. As the defendants were strangers, without counsel to defend them, and as they did not understand what was testified against them, their case was soon disposed of and they were sentenced as above stated. After this a collection was taken up in the court room for the boy, among the members of the bar and others who sympathized with him, in his apparently helpless condition.

A short time after the prisoners had been sent to prison to serve out their sentence, the Agent procured an interpreter, and made himself fully acquainted with their case; he became very much interested in their behalf, particularly so, as the majority of them were friendless strangers, who had just arrived in our country. With these impressions he lost no time in making a thorough investigation of their case and made himself acquainted with the character of the prosecutor; to his very great surprise he discovered it was bad, that he was a pauper, that he and his son had just left the Almshouse, and that he (the prosecutor) had since been arrested in one of the lowest dens, in the lower part of the city, where he was engaged in making counterfeit coin, for which offense he was then in prison. Upon further inquiry a companion of his was seen, who confessed that he was present and witnessed the operation of sticking pins in the boy's back, at the time when it was done by the father of the boy, himself, and with the boy's consent, with the hope of extorting money from these defendants, and that the boy was not injured; the marks made with the pins were only on the surface of the flesh, and that his nervous system was not affected or his health injured in any way. This man also stated where the boy could be seen. The Agent found him standing in a certain place in Chestnut street, actively engaged in selling cheap gloves from a basket that he had with him at the time; after conversing with him, and finding that he was in excellent health, and in no way injured, the Agent went to Judge Allison, and informed him of all the particulars in the case, and asked for a reconsideration of the sentence of these prisoners; the Judge consented to hear the evidence. After a patient hearing and careful examination of the boy and other witnesses, the sentences of these prisoners were re-considered and they were at once released from prison, having been detained but for a short time during the investigation. Upon their release they immediately left for the West, in possession of their money. They expressed their thanks to the Agent and appeared truly grateful to him for his efforts in their behalf, which had led to the establishment of their innocence.

All of these prisoners were released through the interference of the Agent, without any expense to themselves or any one else.

A highly interesting case—Reconsideration of sentence on Thanksgiving day; application having been made to Judge Allison while in church.

NUMBER 3—The case of an intelligent man of industrious habits, who came to this country and established himself in a nice little business—a China store—in the outskirts of the city. As soon as he had accumulated sufficient money to pay for the passage of his wife and six children from England to this country he sent for them. When they arrived in this city, the husband and father received them in the most affectionate manner, took them at once to his home and treated them very kindly. They assisted him in his business, and all went on well with him and his family, until some evil-disposed neighbors put mischief into his wife's head. They told her that her husband had been frequently seen in company with his former house-keeper and that they believed an improper intimacy existed between them; that she ought to prosecute them in order to put a stop to their interviews. Acting upon the advice of her neighbors, at a time when she was in the highest state of excitement from jealousy, she sued and prosecuted them to a conviction. They were tried upon the charge of adultery, convicted and sentenced to an imprisonment of six months each. This sentence was not at all satisfactory to the wife who said she did not understand the case; that her only object was to convict the woman, and put *her alone* in prison, but not the husband, as it was necessary that he should have his liberty in order to support her and her children. She then came to your Agent and stated her distressed condition, asking his interference to have her husband released. She said that he had always been very kind to her and treated his family well; that she was very sorry for having prosecuted him, and she feared in her great excitement she had misstated his case to the Court, and that she could not rest in peace until he was liberated. The Agent accompanied her to the Judge who sentenced him, stated her case and asked for a reconsideration of the sentence under the circumstances. The Judge peremptorily refused to release him, but had previously, at the request of the Agent, consented to release the woman, as she was a soldier's widow, had a child depending on her for support and was of industrious habits. When the wife learned that the woman had been released and her husband still in prison, she became perfectly frantic and insisted upon his immediate release. The Judge having refused she persisted, in constantly presenting to the Agent the condition of herself and children, and would every few days bring them to his house or to the prison, and beg for the release of her husband, saying that she had wronged him and could not rest until he was liberated. She also stated that the Guardians of the Poor had refused to do anything for their support, as they presented such a genteel appearance. The Agent, pitying the woman and her children in their helpless condition—strangers in this country—told her to come with all her family into Court at a certain hour on the following Saturday, when he would again present her case to the Judge, and, with the aid of counsel, have it fully explained, and do everything in his power to induce the Judge to reconsider his sentence and thus save her family from separation and ruin. Before the appointed time arrived Thanksgiving day intervened, when the Agent saw the Judge in church. After an

affecting sermon by the Rev. Albert Barnes, a discourse well calculated to soften the hearts of all who heard it, the Agent accompanied the Judge to the vestibule, saying: "Judge, this is a day of thanksgiving, a time when our hearts should be filled with thankfulness and a disposition to show mercy to the oppressed; you are a Judge and have it in your power to release a prisoner, whose liberation would not only gladden his heart, but that of a wife and six children, and if you consent to his immediate release, I will see that he is discharged in time to join his family at a thanksgiving dinner, if they have any to give thanks for." It so happened that the Agent had a transcript of the case with him at the time, which he presented to Judge Allison, who stepped into a neighboring drug store and wrote upon it, "Sentence reconsidered, discharge the prisoner." This was cheerfully done, to the great satisfaction of many persons who witnessed this truly noble act of the Judge, who virtually said to the poor man: Go, and sin no more! In less than half an hour after he was released, some money given him by the Agent and he was taken to the cars that carried him to his home. To him it was indeed a day of thanksgiving to his HEAVENLY FATHER Who permitted him to be liberated and once more to return to his family. He said that he willingly forgave his wife for the great wrong she had done him in causing him to be imprisoned, an occurrence which nearly brought about their ruin, and which she heartily repented of, as her subsequent conduct showed. He expressed his gratitude, with tears in his eyes, for the Agent's friendly interference, and solemnly declared that he was not guilty, although he admitted that he had several times met the woman in a friendly way, but with no improper intentions whatever.

## AN EXTRAORDINARY CASE OF THE IMPRISONMENT OF AN INNOCENT MAN.

NUMBER 4—The case is not of recent date. This man had been committed by the Mayor, upon the charge of burglary. When the prisoner was first arrested and brought before the Mayor for a hearing, the Agent, aided by eminent counsel, in the person of a young man who had just been admitted to the Bar, appeared in the prisoner's behalf.

The prosecutor of the accused testified, on oath, that the prisoner came to his house on a certain Sabbath evening and asked for something to eat, when he was kindly treated, invited in and a comfortable supper was provided for him, of which he partook. While the prisoner was there the prosecutor said he conversed with him freely, and learned from him that he was a chemist by profession and a friendless stranger in our city. While thus in conversation the prosecutor had a full opportunity of observing the stranger's countenance. He then testified that a few days after this occurrence his house had been entered at the dead hour of the night by burglars who had succeeded in getting into his house by sawing a round hole in the

back kitchen door, sufficiently large to admit of a man's arm and enable him to push back the two bolts by which the kitchen door was secured, and in this way an entrance into the kitchen had been effected. He stated that the burglar had then proceeded and sawed a similar hole in the partition which separated the kitchen from the dining room. This hole was but a few inches from the floor and on a line with and within an arm's length of the lower bolt by which the dining room door was fastened; but this hole, like the one in the outside kitchen door, was at least twice the length of a man's arm from the other bolt on the same door, so that it was impossible for the burglar to have reached the other bolts, in both cases, which were bolted. There was but one hole cut, in each case, and that was cut at the extreme end from the other bolt; each door had two bolts and these bolts were four and a half feet apart.

The gentleman who was the proprietor of the house and who was the prosecutor in this case, swore positively before the Mayor of the city of Philadelphia, that this man who partook of his hospitality on the previous Sabbath night, together with other burglars, had entered into his house in the manner above described and committed a burglary by robbing him of a considerable sum of money. That he saw him—fought with him—fired at him several times—and beat him over the head with a pistol. In proof of this the prosecutor presented a hat with clots of blood and hair adhering to it, and intermingled with cuts and slits in the hat. The prosecutor declared that this condition of the hat was caused by his striking the prisoner upon the head with the end of his pistol while engaged in his terrible conflict with these burglars. This hat, upon examination, indicated that it had been laid upon a flat surface and that the cuts and marks had been made with a knife, and that the pistol had been held in a perpendicular position while striking the hat, leaving the impression of the ends of the five barrels of the revolver upon it in several places. This could not possibly have been done while the man had the hat on his head, as was stated by the prosecutor.

This hat and an old pair of boots were said to have been left upon the premises by the burglars at the time when they were shot at and fled from the premises in haste. The prosecutor swore positively that this was the same hat which the prisoner wore when he took supper at his house on the Sabbath evening. Upon this positive testimony of a respectable, wealthy citizen, the prisoner was finally committed, by the Mayor, to await his trial for the burglary. This examination had been conducted by the District Attorney, in person.

The Agent and his counsel did what they could at the time, to show the prisoner's innocence, but with little success. The examination occupied a period of five hours.

The sympathy for the prosecutor, at the time, was so great as to cause hundreds of people to rush to the hearing of the case at the Mayor's office, in the hope of getting a sight of this, alleged, desperate burglar. This sympathy was increased from the fact that this prosecutor had really been robbed about four years previously by four burglars who had been convicted of entering his house by sawing two holes in each of the doors, which enabled them to effect an entrance. This transaction and the conviction of these men seem to have had so serious an effect upon the mind of the prosecutor as to have caused him to bring this grave charge against this innocent man.

As the Agent believed the prisoner was innocent, he, with the aid of counsel, went to work and thoroughly investigated the case. The first thing examined was the hat; the clots of bloody hair that were upon it were given to a first-class chemist who had devoted many years of his life to the study of hair and blood. He being an expert in this business, found no difficulty in discovering that neither the hair nor the blood were those of a human being, but of an animal. The blood was supposed to be that of a chicken, and the Agent discovered that a chicken had been killed in the cellar of the prosecutor's house and some of the feathers were still there.

The next thing to which the Agent turned his attention was the old boots which were found upon the premises and which, it was said, this burglar had taken off his feet so as not to make a noise. The agent ascertained that they were an old pair of mouldy boots that had not been worn for years, but had been recently bought at an old junk shop, in the neighborhood of the prosecutor.

The Agent was also prepared to prove an alibi, by seven persons, some one of whom saw the prisoner every hour of the night, from nine o'clock in the evening until seven the next morning, where he had been locked up with these persons in a room, by his landlady.

As it was a very cold night the lodgers, each in their turn, lent a hand in attending to the fire, in order to keep themselves warm. This circumstance afforded them an opportunity of seeing the prisoner at all hours of the night. When the room door was unlocked the next morning the prisoner perceived there was a deep snow upon the ground, which had fallen during the night. He then made an arrangement with his landlady in which he agreed to pay her eight cents for the using of a shovel which

was loaned him ; with this he went out and procured a job to shovel snow off a pavement. For this service he received twenty-five cents, eight cents of which he paid for the use of the shovel, and the balance of the money he paid for his breakfast.

Had he, with others, committed this burglary and robbed this prosecutor of a large sum of money, he would not have been under the necessity of earning his breakfast in this manner.

When the Agent had discovered this much, he accompanied by the young lawyer, went directly to the house of the prosecutor, and asked permission to examine the house in reference to the supposed burglary. As the Agent was favorably known to the prosecutor, the permission was cheerfully granted, and his good intentions seemed to be fully appreciated. In the Agent's examination of these premises, he discovered a very important circumstance, and that was that the sawing of the round holes had been from the inside, and not from the outside. The hole that was cut from the dining room to the kitchen was but four inches from the floor, and the cut indicated that the saw by which the hole was made had slanted towards the floor of the kitchen, giving clear and satisfactory proof that the sawing could not have been from the kitchen side. As the four inches of space from the floor to the cut would not give sufficient room to use the saw in making such a hole as had been there made for the purpose, as was said, of pushing back the bolt of the door in order to effect an entrance to the dining room.

Upon a still further examination, the Agent discovered that the shots which had been fired in the house by the prosecutor from the pistol to the wood-work into which the balls had entered, were so near as to leave the powder-mark from the flash of the pistol. This circumstance showed that the shooting was not at the burglars, as was alleged by the prosecutor.

When the Agent had ascertained all this, he sat down along side of the prosecutor in his house, and informed him that he, the Agent, was fully satisfied that the prisoner was innocent of that of which he had been accused, and that he, the Agent, was prepared to prove to the satisfaction of the prosecutor, that no burglary had been committed in this case. The prosecutor consented to hear what the Agent had to say.

After a patient hearing he seemed to be convinced that the whole affair was a consequence of an illusion of the mind and that he himself had been the principal actor. He then gave his consent to the release of the prisoner, and authorized the Agent to inform the Court that he had no desire to prosecute the case.

When the Mayor of the city, the District Attorney, and the Court were

informed of the result of this investigation, they all cheerfully consented to the release of the prisoner. The Agent obtained his discharge from the Court, saw that he was released from prison and took charge of him, and assisted him in getting to Cincinnati, where he expected to get a situation as a chemist. He was a Scotchman by birth, of prepossessing appearance, an educated man, and was respectably connected; he had never been accused of committing any crime before this. He appeared truly thankful to the Agent for his friendly interference in his behalf. All of which had been accomplished without cost to him or any one else, while on the other hand the prosecutor expended large sums of money, in paying Detectives to proceed to Canada and other places, to endeavor to find some one who could connect this man with the supposed burglary.

NUMBER 5 — Was a case which, in the opinion of the Agent, was of the first importance. It was that of a man who had been imprisoned by his wife, upon the charge of assault and battery with intent to kill, and also with bigamy. The former offense he had committed by striking her when she informed him she was aware he had just been married to a German girl. He was also imprisoned upon the additional charge of bigamy and seduction, brought against him by the father of the above-mentioned German girl, whom he had married. The prosecutor in the latter case was a passionate German, who publicly declared that he would kill the prisoner as soon as he could see him. In consequence of these threats a hearing was postponed by the magistrate until the Agent might have an opportunity to interfere.

The Agent's attention was first drawn to the case by the venerable father of the prisoner, who has the reputation of being a good Christian man, of the highest respectability and who has been in office under the United States Government for over a quarter of a century, and himself and wife have been communicants in a Christian church for a much longer period. They have raised a respectable family of children all of whom have been a credit to them, with the exception of this son who was the prisoner, and the father said he had never known, even him, to do a wrong thing before.

He also stated that one of his sons, an interesting young man, had died within two weeks. The prisoner was very much attached to his departed brother, and sorely grieved at his death. He sought to drown his sorrow in the intoxicating cup, and continued to drink to such excess as to seriously affect his mind. While in this condition he persuaded a respectable, intelligent, young German girl, about seventeen years of age, to go with him to a minister and consent to marry him. He told her he was dying in love with her, and that he had never seen any one that he so much admired; that he was a sailor by profession; that his ship was going away the next day; that he wished to marry at once, and let her draw his pay in his absence. The young girl at first refused, assigning as a reason, that her father would kill her if she complied.

He then told her that if she did not marry him, he would kill her, and then would

kill himself afterwards. The poor girl found herself in a dilemma from which she seemed unable to extricate herself. Not knowing he was a married man she finally concluded to accompany him to the house of a clergyman, who at first refused to marry them, but in the end was prevailed upon to do so. They had scarcely left the minister's house when they were accidentally met by the prisoner's wife, in company with his sister. The moment he saw them he ran, and left his new made bride standing in the street. The wife and sister went to the young lady and the wife asked her, "how it was that she was walking with her husband?" She replied that "he was *her husband*, and that they had just been married." The wife then informed the young lady that "he was a married man; that she was his wife, and the mother of his two children, and that their residence was near-by."

When the young girl heard this she became perfectly distracted, and fled from her father's house, as she felt sure he would be the death of her when he knew what had been done. As her mother was dead, she kept house for her father. The neighbors, who dreaded the consequence of this rash act, sheltered her from her father's wrath, until your Agent, accompanied by the mother of the prisoner, succeeded in approaching him in his house. It was about nine o'clock in the morning, when they found him in bed, in a melancholy condition, brooding over his wrongs and misfortunes and those of his daughter. The Agent introduced himself and was favorably received. He said he had often read in the German newspapers, accounts of the good which your Agent had accomplished for oppressed persons, and as he was much oppressed, he wanted some one to sympathize with him in his distressed condition.

When the Agent informed him that his object was to endeavor to effect a settlement of the case he became perfectly furious and said, "he would hear nothing on that subject, as he meant to have no other satisfaction than taking the life of the prisoner." Notwithstanding this was said, the Agent persisted in having a hearing, and after an effort, which lasted two and a half hours, he became so far reconciled as to call in two intelligent German friends, who were his neighbors, and in whom he could place confidence, and he then consented to leave the whole matter to them and to your Agent, and whatever they agreed upon he agreed to comply with.

The Agent fully explained the case to the German friends, which they interpreted to him in German.

Through these men the Agent succeeded in convincing him that no harm had been done to his daughter; that there had been no sexual intercourse between the parties; that they had been married but a few minutes when they were discovered; that the prisoner was not, in reality, in a sane condition at the time when the ceremony took place; that she had no love for the man; that she would never speak to him again, and she would return to her father's home and resume the charge of his family.

As the marriage was illegal it was thought best that he should agree to this arrangement, and if the case could be settled in this way, the Agent promised that the prisoner should be taken from the prison, be placed upon a ship of war, and sent away in the service of the United States Government.

The father of the girl was then informed that the parents of the prisoner were



willing to pay any amount of damages which he might think proper. To this he replied "no; he wanted no money, he was not a man of that sort." It was, however, thought that he ought to accept one hundred dollars (\$100) to cover the losses which he had sustained in his business and in the expenses he paid in connection with the case. *This was refused.*

After this had been agreed upon, all the parties concerned, except the prisoner, appeared at the magistrates office, where the Agent had the satisfaction of seeing this affair amicably settled, without any blood shed or any expensive lawsuits. The parents of the prisoner sympathized with the German and his daughter, and the parties separated with friendly feelings.

When all this had been accomplished, the Agent found it easy to reconcile the prisoner's wife, who accompanied him to the court, where such explanations were entered into as were satisfactory to the District Attorney, and he consented that at the request of the wife, the charges of bigamy and of assault and battery with intent to kill, should be withdrawn, and the case was dismissed.

This was done without any expenditure of money, other than three dollars and fifty cents (\$3<sup>50</sup>/<sub>100</sub>.) paid for costs at Court. By this arrangement the young man has been restored to his wife and children, and has been shipped and gone to sea. He has promised never again to take intoxicating liquors. He, his wife, his father, mother and family tendered their thanks to your Agent for his successful interference, which resulted in removing the weight of sorrow that pressed so heavily upon them, and that might have been increased by the prisoner being doomed to many years imprisonment, to say the least of it, without referring to the strong probability that murder might have otherwise been committed, as was seen in a similar case not long since, when a man, while being brought up for trial, was shot dead in the Court room.

NUMBER 6—Was the case of a woman who was tried, convicted, and sentenced to ten months imprisonment for larceny, but whose sentence was afterward reconsidered and she was discharged. This was brought about mainly by the Agent presenting a letter from Inspector Chandler to Judge Brewster. The good reasons presented in the letter were such as to induce the Judge promptly to comply with the request. The letter explained the condition of the prisoner's family, which consisted of a husband and three small children, who were suffering for want of her care. She had committed the offence at a time when she was intoxicated.

Through forming acquaintance with a neighbor woman she had got into the habit of drinking, and this had brought her into her present difficulty. It was her first offence and she was truly penitent. A reconsideration of her sentence was deemed proper under the circumstances, the application resulted in her discharge, and she was allowed to return home and take charge of her suffering family.

NUMBER 7—Was the case of a young man who had been charged with the embezzlement of a dollar. The case was one of great hardship for the prisoner, who had a wife and children in New York, entirely depending on his exertions for support. His prosecutor had induced him to come to this city to canvass for his Directory, but being a stranger here, he was not very successful; and, when he ran short of means to procure the necessaries of life he appropriated one dollar of his

employer's money, which he had collected from subscribers for additional advertisement, intending to repay it out of the salary and commission due him on the following Saturday; but before this day arrived, he was arrested and committed to prison on the charge of embezzelling the dollar, the Agent immediately interested himself in his behalf, and ultimately obtained his discharge from the Court, with the consent of the prosecutor and the District Attorney. The prisoner's health had been greatly impaired from the mental suffering which he had undergone while in prison. The Agent gave him some money and saw that he was supplied with a railroad ticket to take him back to his family in New York.

NUMBER 8—Was the case of a respectable and an industrious woman. She had been committed at the instance of her husband, who was subject to frequent attacks of insanity, and who, up to a few days previous to Christmas, had been an inmate of an Asylum. He had begged to be permitted to spend the holidays with his family at home. The Managers of the Asylum consented to his request, thinking there was nothing to fear from him, as he appeared in a tranquil condition; but he was scarcely out of the Hospital when some one treated him to intoxicating liquor, which produced another attack of insanity. In this condition he came home, beat his wife in a most cruel manner, and then accused her before a Magistrate of having committed an assault upon him. Notwithstanding, that she was entirely innocent of the charge, and that the guilt lay altogether on the husband's side, she was committed to prison. The Agent found her there in great mental suffering from fear for the safety of the children, who had been left to the mercy of her insane husband. Finding, upon inquiry, that her statement was true, and that she had been wrongfully imprisoned; the Agent saw that she was immediately discharged by the Court and an opportunity afforded her to have her husband sent back to the Asylum.

NUMBER 9—Was the case of a respectable woman who had been committed to prison for abuse, a charge preferred against her by her husband. An investigation showed that the husband was the real offender; that he was drunk at the time, that he beat and abused her, and that he spent \$3.50 of her market money for rum. The Agent promptly obtained her discharge by getting two of her neighbors to go before the Magistrate and testify that what her husband had charged against her was not true; that they were present at the time when the abuse was alleged to have taken place, and that the woman was not guilty, but that she was nursing a sick child when her husband ill-used and beat her. The child was suffering greatly for want of attention, while the mother was in prison. The Agent procured her release from the Magistrate a few hours after she had been taken to prison.

NUMBER 10—Was that of three persons, husband, wife, and lady friend. They went out on the evening of Washington's birth day, when they were pelted with snow-balls by a party of corner loungers. They took no notice of this, but on their return home they were again assaulted by the same party. The wife who was a little behind the husband, remonstrated with them, upon which one of them struck her a heavy blow in the face, injuring her eye and throwing her to the ground; he then drew a knife, but was prevented from using it by her husband who came to her rescue. For this outrage she sued the party on the following day, when they entered bail for their appearance at Court, and, forthwith, sued the wife

for assault and battery; her husband for assault and battery and perjury, and the young lady, who was only a witness, for perjury. Thus three innocent persons were illegally and improperly committed to prison upon the testimony of their assailants. This was evidently done for the purpose of forcing them into a settlement of the case as the price of their liberty. The Agent went to the magistrate and saw that they were immediately discharged.

NUMBER 11—Was the case of a young girl who was accused of stealing a ring. An investigation showed that she was not guilty of the offence, as the ring was found among some dust swept out of the house, where it had been lost. The Agent saw that she was released.

NUMBER 12—Was the case of a woman who had been imprisoned upon the charge of false pretences. An investigation showed that there had been no false representations whatever in the case, but that it was a simple debt. The Agent represented these facts to the District Attorney, in the presence of the prosecutrix, when it was decided that the woman had been wrongfully imprisoned upon a false charge, it being unlawful to imprison for debt. Her immediate discharge was given by the Clerk of the Court. She was on the eve of her confinement, and the Agent saw that she was taken to the Women's Hospital, where she will be provided for during her illness, and her husband's absence at sea.

NUMBER 13—Was the case of a respectable man and his wife, who had been dragged from their peaceful home and committed to prison. They were accused of misdemeanor, in having enticed a neighbor's chicken into their yard to lay its eggs. As they denied ever having done this, and as there was no evidence to show that they were guilty. The Agent saw that they were discharged.

NUMBER 14—Was the case of a man who had been convicted and sentenced to two months imprisonment. The Agent obtained his discharge from the Court, by procuring a certificate from the Prison Physician, certifying to the fact, that the prisoner was dangerously ill of the jail fever; when Judge Brewster and the District Attorney were informed of this, they consented that the sentence should be reconsidered that he should be released from prison. When this was done the Agent saw that the prisoner was placed in the hands of those who would see that he had proper medical treatment, such as would be calculated to restore him to health.

NUMBER 15—Was the case of two boys who were charged with assault and battery. For this offence they were tried, convicted, and sentenced to six months imprisonment each, for shooting a boy in the fleshy part of the leg. Upon investigation, the Agent found that the shooting was accidental. It took place in the dusk of the evening, upon an open lot, at a time when the injured party was behind a fence. This circumstance was not known to the prisoners at the time of shooting. The load of the gun was discharged by one of the boys in obedience to the command of his mother, who was unwilling to have a loaded gun in the house. The investigation was made at the request of a respectable gentleman, a merchant, who addressed a letter to the Agent, in which he certified that he had known the previous character of the boys to be good. The wounded boy and his mother were seen and they consented to the release of the prisoners. When the Agent informed Judge Brewster of these facts, and the letter of the merchant was presented, the sentence was re-

considered, the prisoners were released from confinement and permitted to go and finish the learning of their trades. Had the prisoners been confined, as sentenced for six months, they would have lost their situations, and the consequences would have been most disastrous to their future welfare.

NUMBER 16—Was the case of a colored man who had been a slave and was made free by the war. He was a stranger in this city, poor and without any money, and was looking for employment. An investigation showed that his offence consisted in picking up from the ground his old empty pocket-book which had accidentally dropt from his coat pocket. A boy who had seen him pick up the article, told the police that he had seen the prisoner find a pocket-book and put it in his pocket, and because he had done this without *advertising it in the newspapers*, he was arrested and committed to prison. As no person claimed the pocket-book, as no money was lost, and as the pocket-book was his own, the Agent interfered in his behalf. The Magistrate was seen, a discharge obtained, and the prisoner was released soon after he had been imprisoned.

NUMBER 17—Was the case of a man who was charged with misdemeanor in cheating and defrauding. He was a sailor and a stranger in this city. He was invited by the prosecutor to take boarding at his house during his stay in our port. The prisoner had not been long with him before the prosecutor demanded eleven dollars for a week's board. This was refused by the prisoner as he had not been there a week, and had eaten but a few meals in the house. He was then sued and committed to prison upon the charge of obtaining board under false pretences. The landlord demanded eleven dollars for board and three dollars cost, and would take no less. The Agent saw him and offered him seven dollars of the prisoner's money if he would consent to his release; this he refused, saying "He would have all or none." As the man was illegally imprisoned, imprisonment for debt being abolished, and as there was no false pretence in the case, the Agent supplied him with counsel for the purpose of having him brought before the Court upon a writ of habeas corpus with the view of having him discharged. When the prosecutor learned what had been done in this particular, he consented to the prisoners release upon the payment of six dollars, which was one dollar less than was first offered him, and eight dollars less than he at first demanded. This was done by the Agent to teach the boarding housekeepers that they could not impose upon sailors with impunity.

NUMBER 18—Was the case of two sisters who were accused of killing a little girl four years of age, with a peach containing poison. The prisoners were old women, one sixty-five and the other seventy years of age. They have been members and communicants of the Baptist church for more than thirty years, and were highly respectable, indeed, they were universally esteemed by all who knew them, with the exception of the prosecutors, who were the father and mother of the child, and who, strange to say, brought this grave charge against the prisoners without a particle of evidence to justify them in so doing. As soon as they were committed to prison their Christian friends stepped forward and proffered them all the aid in their power, and first-class counsel were employed by Mr. James, of the firm of Santee & Co.

As the health of one of the prisoners was rapidly failing and their friends feared she would not live much longer in prison, while suffering under the awful suspense

in which they were held while waiting for their case to be disposed of by the Court; and as your Agent had investigated their case, and found them to be entirely innocent of the offence with which they were charged, he assumed the responsibility of interfering in their behalf, with the hope of having them at once discharged from prison. In this effort he was successful. It was accomplished by the Agent going to the District Attorney Mr. Mann, and informing him that these prisoners were innocent, that they were respectable women, that they were sick, and there was an absolute necessity for their case being disposed of at once. He generously answered by saying to your Agent, "If they are innocent let them be brought up upon a writ of habeas corpus and discharged."

The Agent then went to their counsel and informed him what he had done, and asked him to come down to prison and see his clients, and prepare their petition to the Court. He said he would. The Agent asked him if he could not come that day, as it was early in the week and would give ample opportunity to have notice served and to have the case brought before the Court on the following Saturday. He replied, "No! he was engaged every day that week." The Agent then wished to know if he would come on the Sabbath, to which he consented, and it was agreed that he should be at the prison by two o'clock, on the following Sabbath day. This caused an unnecessary delay of at least a week. Your Agent promised to have a Magistrate present to take the affidavits of the prisoners, which affidavits were obtained and paid for by your Agent.

We were now prepared, and on the following Saturday the case came up in Court, when the prisoner's counsel said to your Agent that "he had crossed him in the management of this case, that the prisoners were not before the Court on his motion, that he would not be answerable for the result, and that he doubted the propriety of the course that had been pursued, as he feared it would be detrimental to the cause of the prisoners." Your Agent told him he had no fear of the result.

When the case came up, the father of the child testified that "he took the child out from home on the 18th of August, and that soon after they left home, her knees began to give way, and from that time she began to grow worse. When they reached home the child was in spasms and she died the same evening in violent convulsions."

The mother of the child testified that "about nine days before the death of the child, when Rachel and Mary Jones were at the window overlooking the yard, the child called them "dried up old maids," Rachel then said, "Your father told you to say that;" the child replied, "No he did not;" then said Rachel, "Your mother did;" the child denied this; Rachel then said, "I'll fix you and your mother before long." Mrs. Richards said that, "Cakes had been several times thrown over the fence into the yard." A peach was found by the child that was out crossways of the stone. This peach was covered with a white substance as if it had been dipped in a meal tub. The witness saw Rachel Jones at the window on the evening the child died.

Mr. Dwight, acting for the District Attorney and in behalf of the Commonwealth, here said that he had submitted all the evidence in his possession, except that which related to the child's stomach, a chemical analysis, disclosing the existence of poison. The question was, had there been sufficient testimony to connect the defendants

with the administering of poison? He was free to confess that he did not think there was. The weak points were that there was no testimony to show that either of the defendants threw the peach or that the peach was poisoned "

Their counsel said, "The accused had been imprisoned for several weeks on a most infamous charge, and if there was no testimony to connect them with the offence charged, they were entitled to their discharge. They are respectable people, had lived long in the city, and had always maintained a good character. They were surrounded in Court with sympathising friends, and if they had the opportunity, could put a different face upon the affair."

Judge Ludlow said that, "If all the testimony had been submitted he should be compelled to discharge the defendants." Mr. Dwight said that "It was all," whereupon the defendants were discharged at once, instead of remaining in prison for a long time awaiting their trial as might otherwise have been the case.

NUMBER 19—Was the case of a woman who was tried, convicted, and sentenced to six months imprisonment for retaining forty-five dollars out of a fifty dollar note which had been given to her by the prosecutrix. The prosecutrix went to the house of the prisoner and asked her to go for some lager beer, and gave her a note to pay for it. When the beer was brought it was handed to the prosecutrix together with change out of a five dollar note.

At the time of this transaction, the prosecutrix had in her pocket-book a fifty dollar note and a five dollar note. Subsequently she discovered that she had given to the prisoner in mistake the fifty dollar note to go for the beer. The prisoner contended that it was the five dollar note and that she had returned the proper change. On this the prosecution was commenced and pressed to a conviction. When brought to the prison, prisoner was in great distress of mind. She had left at home a sick and consumptive husband, and three little helpless children unprovided for and unable to help themselves, and in addition to this, she was on the eve of her confinement. She had kept a little shop and had sold cakes and candies, and by her industry and good management had been able to provide for her helpless family. Her conviction and imprisonment threatened to be ruinous to her little household, and it seemed that her home would be broken up and her little ones sent to the almshouse. In view of this state of things the Agent interfered, investigated the case, consulted with her neighbors, and saw the prosecutrix and her husband. These all spoke well of the prisoner and sympathized with her. They said they had never known her to do any thing wrong before, and they thought that her necessities in view of her sickness, had induced her to retain the money to help her through her trouble.

The prosecutrix and all others who knew of her situation, were desirous to unite in a petition to the Court for a reconsideration of her sentence, in order that she might return to her home and take charge of her family. Measures were adopted by which the money was restored to the prosecutrix, and a letter was obtained from her to the Court, asking as a favor that the prisoner might be immediately released.

At three o'clock, P. M., the Agent went with this letter to the house of Judge Ludlow, in West Philadelphia, where he was told the Judge could not be seen until four; precisely at that hour your Agent returned when he was informed

the Judge had just left to attend a funeral. He then inquired where the funeral was, went to the place and kept his eye upon the Judge to the church, and until the funeral services were over, and from there to the Woodland Cemetery.

When the funeral services were closed and before the Judge had left the graveyard, your Agent informed him of the object of his visit, and asked him to consent to the reconsideration of the poor woman's sentence, stating the grounds of the application to be, the restoration of the money; the distressed condition of her family of little children; the helplessness of her sick husband; her previous good character; her approaching confinement and the unsuitableness of a prison for a woman in her condition in the oppressively hot weather. It was raining at the time, when a friend who was holding an umbrella over the Judge, loaned him a pencil, and in the presence of several persons he wrote a reconsideration of the sentence and authorized the clerk of the court to give a discharge.

Your Agent supposes this to be the first time that ever the sentence of a prisoner was reconsidered within the precincts of a graveyard. This was done cheerfully by a humane Judge, in a drenching rain, and the circumstances justified the pressure brought to bear upon him by the Agent, who succeeded in returning to his home about nine o'clock in the evening, having spent seven hours, mostly in the rain, in his efforts to see the Judge and in obtaining a reconsideration of this poor woman's sentence. This perseverance proved to have been well timed, as the Judge was about to leave the city for a season, during which time she would have been detained in prison.

On leaving the prison, the prisoner thanked the Agent for his friendly interference, and the expression of her gratitude was accompanied with a flood of tears. She said it was the first time she had ever been in trouble of this kind, and she was thankful that she and her family had been saved from ruin, and her child prevented from being born in a felon's cell.

NUMBER 20 — Was the case of a German, who had been tried and convicted of larceny and sentenced to eight months imprisonment. His offense consisted in his having taken from his employer a few yards of muslin and a small piece of velvet, which he designed to use in making up a coat for himself. He was a tailor by profession, and was receiving one thousand dollars a year from his prosecutor, for his services as a cutter. He said he intended to pay for the articles taken, the value of which would not exceed two dollars. His employer, not being satisfied with this explanation, prosecuted him to a conviction. Soon after this had been done, your Agent's attention was drawn to the case, by the counsel who had succeeded in convicting him, and who wished the agent to intercede in his behalf; he pitied him and his family in their sick and afflicted condition, who were not only suffering for the want of his support to obtain for them the necessaries of life, but had the additional affliction of the death of three of their children, who had died of scarlet fever within ten days, since the father's imprisonment. The mother herself, but a short time previous had a severe attack of the small pox, which had slightly affected her mind. Her husband, the prisoner, was consumptive and was subject to hemorrhage of the lungs and could not, in all probability, have lived out his sentence, had he been kept in confinement. Notwithstanding this was the case, there

was loaned him ; with this he went out and procured a job to shovel snow off a pavement. For this service he received twenty-five cents, eight cents of which he paid for the use of the shovel, and the balance of the money he paid for his breakfast.

Had he, with others, committed this burglary and robbed this prosecutor of a large sum of money, he would not have been under the necessity of earning his breakfast in this manner.

When the Agent had discovered this much, he accompanied by the young lawyer, went directly to the house of the prosecutor, and asked permission to examine the house in reference to the supposed burglary. As the Agent was favorably known to the prosecutor, the permission was cheerfully granted, and his good intentions seemed to be fully appreciated. In the Agent's examination of these premises, he discovered a very important circumstance, and that was that the sawing of the round holes had been from the inside, and not from the outside. The hole that was cut from the dining room to the kitchen was but four inches from the floor, and the cut indicated that the saw by which the hole was made had slanted towards the floor of the kitchen, giving clear and satisfactory proof that the sawing could not have been from the kitchen side. As the four inches of space from the floor to the cut would not give sufficient room to use the saw in making such a hole as had been there made for the purpose, as was said, of pushing back the bolt of the door in order to effect an entrance to the dining room.

Upon a still further examination, the Agent discovered that the shots which had been fired in the house by the prosecutor from the pistol to the wood-work into which the balls had entered, were so near as to leave the powder-mark from the flash of the pistol. This circumstance showed that the shooting was not at the burglars, as was alleged by the prosecutor.

When the Agent had ascertained all this, he sat down along side of the prosecutor in his house, and informed him that he, the Agent, was fully satisfied that the prisoner was innocent of that of which he had been accused, and that he, the Agent, was prepared to prove to the satisfaction of the prosecutor, that no burglary had been committed in this case. The prosecutor consented to hear what the Agent had to say.

After a patient hearing he seemed to be convinced that the whole affair was a consequence of an illusion of the mind and that he himself had been the principal actor. He then gave his consent to the release of the prisoner, and authorized the Agent to inform the Court that he had no desire to prosecute the case.

When the Mayor of the city, the District Attorney, and the Court were



**NUMBER 24**—Was the case of a woman who had been committed to prison upon the charge of arson. An investigation by the Agent showed that she was entirely innocent of the offense with which she was charged. She was at home with her children at the time and was engaged in ironing her clothing, when her drunken husband, with a pipe in his mouth, came towards her to strike her. The fire from his pipe fell upon the clothing and set fire to it. She instantly put out the fire and prevented her clothes from being burned up; while she was doing this her husband struck her, and her little daughter, alarmed for her mother, cried murder. This brought the police upon the premises, who arrested the mother instead of the father who was really the guilty party. This poor woman was then committed to prison with her infant in her arms and another little daughter was left to the mercy of the neighbors. This was scarcely done, when the drunken father sold all the furniture, even his wife's clothing, and was spending the money for rum. When the Agent acquainted the Fire Marshall and the District Attorney with all the facts in the case, it was ignored and the prisoner with her infant discharged. The Agent gave her some money to assist her in her destitute and homeless condition.

#### RECONSIDERATION OF SENTENCE BY JUDGE PEIRCE, JANUARY 1, 1868.

**NUMBER 25**—This was a remarkable case of a poor, friendless servant girl, about twenty years of age, who had been accused by her mistress, her daughter, and her son-in-law, the daughter's husband, of stealing a watch and chain; they also, accused her, of stealing a bolster case and a pair of scissors. The first bill of indictment that was found against her was for the larceny of the watch and chain. When the case came up for trial, as she was poor and had no money, and was unable to employ a lawyer, the Agent supplied her with Counsel to defend her, and she was honorably acquitted by the Jury, there not being a particle of evidence to show that she was guilty, although these three witnesses testified against her, and did all they could to convict her. Her acquittal not being satisfactory to her accusers, as it did not answer their purpose, they succeeded in having two additional true bills found against her, one for the bolster case and one for the scissors. These two articles were valued at seventy-five cents each. When the Agent ascertained this and saw the prosecutors in Court again the next day, with a full determination on their part to convict the prisoner if possible, and as he believed them to be respectable and truthful, and as, at this stage of the case, he had no reason to doubt their sincerity, these considerations induced the Agent to persuade the prisoner to plead guilty, although it was against her judgment to do so, as she continued to assert her innocence. The Agent did this for the best, as he thought it possible she might be guilty, and that

The above, with five other affidavits had been procured, all of which tended to show the innocence of the prisoner. The Agent being fully satisfied as to his good character and innocence, immediately went to the residence of Judge Thompson, accompanied by a Prison Inspector, and presenting these affidavits to the Judge asked him for a reconsideration of the sentence, telling him at the same time, that he believed the prisoner was innocent. This request was at first refused by the Judge, as he said, "he felt fully satisfied of the prisoner's guilt, that the trial had been a protracted one, and had been managed with great care and skill on the part of Mr. Brewster, the prisoner's counsel, who had shown a zeal and an energy in the case that were worthy of a better cause, and as the ring of Mr. Brewster's eloquence was not yet out of his ears, and as he well remembered the testimony, and was fully satisfied of the prisoner's guilt, he positively refused to hear anything further in the case."

One reason why he said this, was, because it was a late hour of the night, and he had court documents before him, which he had to examine, and that must be attended to.

The Agent then said to the Judge, in a firm, respectful, and impressive manner, "that he could not leave without a full hearing of the case, but would prefer remaining where he then was, to urge the case until he should fall down in death."

This wise and good man's mind was such as to enable him to, at once grasp and appreciate the good intentions of the Agent who was so persistent on this occasion in urging the claims of the prisoner. The Judge being astonished at this extraordinary effort on the part of the Agent, consented to set aside the urgent business before him and fully and thoroughly examine the Agent and hear what he had to say, and also examine the affidavits which tended to prove the innocence of the prisoner. This done, the Judge expressed himself to be fully satisfied of the prisoner's innocence, and commended the Agent for his perseverance. The Agent then asked him if he would reconsider the sentence and instruct the Clerk of the Court the next day to give a discharge for the prisoner. He said, "No,—I will reconsider it *at once, he must be discharged to-night*, midnight as it is, I am unwilling that this innocent man shall remain in prison one moment longer than is absolutely necessary, and I am surprised that such a thing should have happened in a Court over which I presided, and where such great care had been taken in the management of the case." He immediately wrote out the reconsideration of the sentence, which was accompanied by a letter to the jailor, that asked for the prisoner's immediate release upon his, the Judge's, responsibility. He also promised to instruct the Clerk of the Court on the next day to send down a regular formal discharge containing the seal of the Court. This promise was carried out. Having obtained the consent of the jailor, the Agent saw that the prisoner was discharged about three o'clock in the morning, several hours previous to the regular discharge having been sent down.

The prisoner was really and truly thankful to the Agent for the searching investigation made of his case, which had redeemed his character and restored him to his family, and to society as an honest man.

All this was done without any cost whatever to the prisoner or any one else.

two of these prosecutors, one of whom was the step-daughter of the merchant and the other her husband, both of whom lived in the family with him, and it did appear as if the mother aided them in this prosecution in the hope of inducing her husband to believe that it was this poor girl that was doing the stealing, instead of the parties who should have been prosecuted. The Agent ascertained that at one place where this daughter had visited in Newark, New Jersey, she was suspected of stealing jewelry and other valuables, during her short stay at the house of her friends. While with this family she asked them to get a check cashed for her, which they did, but it afterwards appeared that she had no money in the bank. The Agent also ascertained that with this very money she went to New England to the daughter of this friend in Newark, in whose house she had been stopping. She was well received, and told them that she desired to stay a few days with them; while here, she asked for the loan of a pair of ear-rings which they lent her. It was not long after this when she left for Philadelphia without returning the borrowed ear rings. She had scarcely gone when the family discovered that they had lost an additional pair of ear-rings to those they had lent her, and that they had also lost a watch and chain and a pair of gold bracelets. The family suspected their visitor of having taken them, they were almost sure that she had done so, but found it difficult to prove this as they had not seen her take them. As her family was respectable these parties hesitated about prosecuting, and did not do so until the Agent had commenced the investigation of this case, and not even then until they had written to her to return the ear-rings they had lent her, when, to their great surprise, they found that she had returned in mistake, the stolen ear-rings instead of the ones which they had lent her.

This proved to be the key to the whole subject and showed the motive for the prosecution of this poor servant girl. A search-warrant was taken out from the Recorder of our city by the gentleman from Newark, who had lost his property, to search the house of this respectable merchant where his step-daughter and her husband resided. When the search was made, sufficient was discovered no doubt, to satisfy the merchant as to who the thieves were who had been robbing him as well as robbing the parties in Newark and New England, and that it was not the poor servant girl who had been doing all the mischief. A warrant was immediately issued by the Recorder, and the step-daughter and her husband were arrested, and were held for a further hearing, and to wait a requisition from the Governor of New Jersey, that they might be taken to Newark, to be tried for the larceny of which

they were accused. In the search of the merchant's house a check-book had been found from which it was supposed a blank had been taken and filled to the amount of eighty dollars (\$80.) This check was cashed at the bank where the merchant kept his bank account, and as this check was in his name it was charged to his account; as it was afterwards proved to be a forgery the loss fell upon the bank at the time, but when the search warrant brought forth this check-book and made such other developments as must have left no doubt upon the mind of the merchant as to the guilt of his step-daughter and her husband, he being an honest man, and perhaps, in the hope of saving the feelings of the mother who had taken such an active part in the prosecution of the servant girl, he at once offered to indemnify these prosecutors to the full extent of what they claimed to have lost, and he did pay to the gentleman in Newark, and to his daughter, the sum of two hundred dollars (\$200,) to indemnify them for what had been stolen. It is said, that he also paid the bank eighty dollars (\$80,) being the amount of the forged check. All this he evidently did, not only because he was an honorable man, but in the hope that he might thereby save his family from exposure and the disgrace of these prosecutions.

When the Agent discovered this much, and had also ascertained that what the merchant's wife had said to the Judge, in reference to the sister of the prisoner, giving her a bad character, *was not true*, and when the Agent presented a letter from the sister denying that she had ever said anything to these prosecutors against her sister, the Agent frankly confessed the great error that he had committed in persuading the prisoner to plead guilty, when he was now satisfied she *was not guilty*. The Agent then went to Judge Pierce, laid all these facts before him, and asked him to correct the wrong, that had been done to this innocent girl, by reconsidering her sentence. This request was complied with, her sentence was reconsidered and she was discharged from prison.

Subsequently the Agent discovered that the persecution the prisoner had undergone had seriously damaged her mind, and he took her to the Howard Home, a Quaker Institution, where she would meet with sympathizing friends who will care for her and see that she receives such assistance and instruction as will tend to benefit her. The lady Managers also, will see that the prosecutors pay her the wages due her and give up her clothes.

Since this, the Matron of the above-named institution, applied to the prosecutors for the wages which they refused to pay.

When the poor girl heard of this refusal she became insane and was seen raving like a maniac, tearing the hair from her head and pulling the

clothes from her back. When the Agent heard of this he recommended her to be taken to the Insane Asylum at the Agent's expense, and he has placed her claim for the nine dollars wages in the hands of an Alderman to be collected.

These prosecutors have made themselves liable to a prosecution for conspiracy, and for the false imprisonment of this poor girl.

### RECONSIDERATION OF SENTENCE, BY JUDGE PEIRCE, APRIL 30, 1867.

NUMBER 26—This was the case of a man who had been tried upon the charge of conspiracy. He was convicted and sentenced to six months imprisonment. An investigation of the case by the Agent satisfied the Judge that it would be proper to re-consider his sentence. In the investigation it was shown that his previous character had been good; that he had a young wife depending upon him for support; that his former employer was desirous to employ him again at good wages; that he had never been accused of wrong doing previously, and that the punishment he had already received seemed to be sufficient for the offense. In view of all these circumstances the Judge reconsidered his sentence, when he was released from prison and permitted to go and labor for his family.

NUMBER 27—Was a case in which the character of a wealthy merchant was involved. This gentleman lives in great splendor in the western part of our city, and has an intelligent, good wife and a family of interesting children. His reputation as a business man stands high in this community, and the Government Assessor rates his income for the year as over seventy-two thousand dollars (\$72,000). This gentleman was accused of spending the most of his time in the company of a fashionable milliner girl, of great beauty, who occupies an establishment in our city, the property and fitting up of which cost forty thousand dollars (\$40,000).

A woman and her husband, who were servants in the house of the milliner, went to the house of the merchant and told his wife that her husband had purchased the property for the milliner; that he was in the habit of staying with her, and that a certain physician in this city had recently given to the milliner a letter of introduction to a physician in New York, whose name and residence were given; and this introduction, it was alleged, was for an improper purpose. This information caused the wife of the merchant to become *intensely* excited. It is said she took the advice of

counsel and resolved to apply for a divorce, and told her husband of her purpose.

The informants, the servant man and his wife, were immediately arrested and imprisoned at the instance of the milliner, who charged them with *libel*, and who employed eminent counsel in the case.

The merchant also engaged one of the most distinguished lawyers in this State, to defend him.

In this condition of affairs, when publicity and scandal would have produced the most disastrous consequences to all concerned, the Agent, with the consent of the parties, undertook the adjustment of the case. In his investigation he was unable to discover any truth whatever in what the two servants had said against the merchant. He declared to the Agent that he did not know the milliner, and that he had not been in any way, connected with her. What they had said about the milliner going to New York, was true to a certain extent. Frequently she had occasion to go to New York on business. She informed the Agent that, at times, she was subject to spasms of a dangerous character, and in case of her being thus attacked while in New York city, she wished to secure the assistance of a physician in that city in whom she could place confidence. This induced her to get a letter from one of our most respectable physicians to a physician of equal standing in New York.

This explanation and the character of the physicians, were deemed sufficient to preclude the idea of anything wrong being intended in this visit to New York. She denied any connection with the merchant and said she did not know him. As the prisoners were entirely unable to prove anything of an improper character against either of the parties, the Agent informed them their conviction would be certain, and advised them to make a clean breast of the whole matter.

The prisoners then gave a written statement, signed by both of them, in which they denied all that they had previously said against the merchant and milliner. In this document they distinctly stated that they had never seen the merchant at the house of the milliner, and that they were altogether mistaken in identifying him as the man.

After this much had been accomplished the Agent took the document to the wife of the merchant at her home, at a time when her husband was there, and informed her that the prisoners had been released from prison and their cases had been settled with the consent of the prosecutrix, and that since their release they had voluntarily confessed, in the presence of witnesses, that what they had said was not true, and that they had author-

ized the Agent to show her their written confession and denial. The Agent then assured the wife that from all he could learn in the investigation of the case, her husband had been misrepresented to her by the prisoners in this matter, and that their purpose in the misrepresentation was to extort money from some one. She replied that "she believed what the Agent had said, and that she was glad to know the prisoners had confessed they were mistaken in their reference to her husband ; that he had told her he was innocent and she now believed him and was reconciled. She hoped there would be no difficulty in future." She thanked the Agent for his friendly interference in behalf of her family.

In this way publicity and expensive lawsuits were avoided by pouring oil upon the troubled waters at the commencement of the difficulty. The prisoners were released and the whole matter settled without the expenditure of any money whatever.

NUMBER 28—Was the case of a worthy woman who had been committed to prison upon the charge of assault, preferred against her by her husband. An investigation by the Agent, showed that the husband was the real offender. He had beaten and injured her, broken her stove and driven her out of the house, and then went to the alderman and sued her for an assault, which he alleged she had made upon him. The prisoner had two little children who were suffering for the want of a mother's care. The Agent represented these facts to the alderman, who released her without cost, and she was permitted to return home and take charge of her suffering children.

NUMBER 29—Was the case of a woman who had been committed to prison upon the charge of assault and battery. She was a soldier's widow with four small children depending upon her for support. The prosecutrix, for some reason claimed the prisoner's clock ; a quarrel ensued and in protecting her property she struck the prosecutrix. For this offense she was sued and committed to prison. After she had been in prison a few days the Agent visited her little children, and found them in great distress for want of the necessities of life. One of these little ones was a boot-black, and he had given all his earnings to buy bread for the children while the mother was in prison. In view of this state of things the Agent interfered in her behalf and procured her discharge from the magistrate.

NUMBER 30—Was the case of a woman who had been unjustly imprisoned on a charge of assault and threats. The charge was brought against her by a woman, to prevent the prisoner from giving evidence against her in

a suit then pending in court, in which she was accused of robbing the prisoner of her furniture at a time when the prisoner was absent from home. The Agent went to the magistrate and saw that she was discharged.

NUMBER 31—Was the case of a worthy woman who had been committed to prison on the charge of *larceny*. She was accused of stealing an old broken parasol, of little value. The article had been previously given to the prisoner, by the prosecutrix, who rented a portion of the prisoner's house from her. The prisoner discovered that the prosecutrix was selling intoxicating liquor in the house, without a license, and as the prisoner did not wish her house used for any such purpose, she sued her prosecutrix and had her bound over to appear at court. She entered bail and immediately sued the prisoner upon the above charge. As it was evident that this was a cross action for the purpose of frightening the prisoner, and as she was *not guilty*, the magistrate was seen by the Agent, the case was settled and the prisoner was released from prison. She was the mother of seven children who were at home and greatly needed a mother's care.

NUMBER 32—Was the case of two sisters who had been committed to prison upon the charge of misdemeanor. By their industry and care they had accumulated a small sum of money. While the elder sister was sleeping in her brother's house he took forty dollars out of her pocket, and because she and her sister charged him with it, and asked him to restore the money, he had them arrested and sent to prison, on the above charge. The Agent explained the facts of the case to the magistrate, who promptly discharged the prisoners. These industrious girls were saving their money for the purpose of purchasing a sewing machine, but were disappointed in doing so in consequence of the loss of their hard earned savings.

NUMBER 33—Was the case of two women who were committed to prison upon the charge of keeping a disorderly house. One of these women was a widow and the mother of three children. When the prosecutrix was visited it was found that she occupied but one room, which she rented from the prisoners. She did not keep a disorderly house and there seemed to be no definite charge against her, and the only object of the arrest and imprisonment was to get her to leave the premises. To this she consented, but the magistrate refused to release her until she paid the cost, and her children had to sell their mother's only bed to do so. When this was done and the cost paid, the prisoner was released. The charge against the other woman who was committed at the same time, was not true, as she had no house or room but lived out as an hired woman. She was merely on a visit to the widow wo-



man and her family when she was arrested. The agent saw that she was released without cost.

NUMBER 34—Was the case of two men whom the alderman thought he had committed for intoxication, and, supposing the Inspectors had discharged them, gave himself no further trouble about them. After they had been in prison about six weeks, the Agent discovered that the magistrate had made a mistake, and had committed them as *suspicious persons*, but had not made any return of their case to the court. The consequence was as might be expected, their case was not disposed of. The Agent had the mistake corrected and the prisoners discharged.

NUMBER 35—Was the case of a poor woman who had a family of little children depending upon her for support. A neighbor woman had sent for her to pay her a visit. She complied with the invitation, when the husband of this neighbor, who was drunk, accused the prisoner of threatening him, which she denied. For this alleged offense he sued her before a magistrate, who committed her to prison, upon the oath of this drunken man, and then the magistrate turned upon this drunken accuser and committed him for being drunk. Subsequently the Agent applied for the prisoner's release, and spoke of the distressed condition of her family, but the magistrate refused unless she would pay the costs, which she was not able to pay. The Agent then went to the court and informed Judge Peirce of the case, who suggested the taking out of a writ of *habeas corpus*. This was done, after which the prisoner was released and permitted to return to her home and take charge of her children.

NUMBER 36—Was a case of error on the part of officials, which caused an innocent man to be imprisoned. The prisoner was a wounded soldier, who had rendered efficient service in the late war as Lieutenant, in the Union Army. When on his way home, at a late hour, and when suffering from exhaustion and oppressive heat, he sat down to rest, upon the step of a dwelling house. In a short time he was arrested by the police officers, who were passing at the time. They took him before a magistrate, who committed him to prison as a suspicious character, who *intended* to commit a burglary. When the Agent's attention was drawn to the case, the prisoner gave a good account of himself, and referred to several respectable business men. These gentlemen were seen, who not only spoke well of him, but were ready and willing to enter bail for him and to render him any assistance that was necessary. The Agent made the case known to the magistrate, and he promptly discharged the prisoner.

was loaned him ; with this he went out and procured a job to shovel snow off a pavement. For this service he received twenty-five cents, eight cents of which he paid for the use of the shovel, and the balance of the money he paid for his breakfast.

Had he, with others, committed this burglary and robbed this prosecutor of a large sum of money, he would not have been under the necessity of earning his breakfast in this manner.

When the Agent had discovered this much, he accompanied by the young lawyer, went directly to the house of the prosecutor, and asked permission to examine the house in reference to the supposed burglary. As the Agent was favorably known to the prosecutor, the permission was cheerfully granted, and his good intentions seemed to be fully appreciated. In the Agent's examination of these premises, he discovered a very important circumstance, and that was that the sawing of the round holes had been from the inside, and not from the outside. The hole that was cut from the dining room to the kitchen was but four inches from the floor, and the cut indicated that the saw by which the hole was made had slanted towards the floor of the kitchen, giving clear and satisfactory proof that the sawing could not have been from the kitchen side. As the four inches of space from the floor to the cut would not give sufficient room to use the saw in making such a hole as had been there made for the purpose, as was said, of pushing back the bolt of the door in order to effect an entrance to the dining room.

Upon a still further examination, the Agent discovered that the shots which had been fired in the house by the prosecutor from the pistol to the wood-work into which the balls had entered, were so near as to leave the powder-mark from the flash of the pistol. This circumstance showed that the shooting was not at the burglars, as was alleged by the prosecutor.

When the Agent had ascertained all this, he sat down along side of the prosecutor in his house, and informed him that he, the Agent, was fully satisfied that the prisoner was innocent of that of which he had been accused, and that he, the Agent, was prepared to prove to the satisfaction of the prosecutor, that no burglary had been committed in this case. The prosecutor consented to hear what the Agent had to say.

After a patient hearing he seemed to be convinced that the whole affair was a consequence of an illusion of the mind and that he himself had been the principal actor. He then gave his consent to the release of the prisoner, and authorized the Agent to inform the Court that he had no desire to prosecute the case.

When the Mayor of the city, the District Attorney, and the Court were

defective legislation has encouraged a traffic which it should have sought to repress. Upon this latter point there is no room for intelligent questioning. If our legislators had designed to enact a law exactly in the interest of the liquor leagues, they could not easily have contrived a better model than the present license system. In return for a tax just sufficient to appease the consciences of the tax-paying portion of the community, that system guarantees to a traffic universally admitted to be the source of untold evils, the sanction of protective legislation. The old story of the spider and the fly, so often and happily applied to the allurements proffered by the rumsellers, finds its true application in the Government which has lent itself to the work of offering temptation to crime. One would naturally suppose that the temptations held forth to attract the young by means of gilded saloons magnificently furnished, sumptuous luncheons, &c., would be sufficient without the aid of Government. Whilst the present license system exists, the efforts of philanthropy, however wisely and zealously employed, will be inadequate to arrest, in any appreciable degree, the progress of vice. To what purpose are arguments and warnings against the dangers of intemperance, addressed to the young, when the law itself takes under its special patronage and protection the very traffic which we denounce as the source of those dangers. The community needs to be thoroughly awakened to the magnitude of the dangers which assail it in this direction. It cannot safely ignore any longer the fact that the temperance question is a question of private and public morals. The principle of total abstinence from all that intoxicates should be more urgently and solemnly advocated, not less as a measure of personal safety than as one of brotherly example. And if it is true, as it undoubtedly is, that intemperance is directly responsible for more than three-fourths of all the crime in our midst, it would seem criminal to neglect for a single day to visit that responsibility with the same penalties which the law attaches to all other agencies of crime; especially should legislation be provided to break up the present indiscriminate traffic in intoxicating drinks. The question involved in such legislation is not, as we are prone to regard it, simply a question of moral reform; it is quite as truly a question of private and public economy.

It is true that the opponents of all legislation tending to the suppression of the liquor traffic have urged against prohibitory laws the loss of the immense revenue which is derived from the license system. A greater delusion never took possession of the public mind. The revenue derived from the traffic is more than counterbalanced by the enormous expense entailed

upon the community from the introduction of crime and pauperism into it, consequent upon the use of intoxicating liquor. A moment's reference to statistics will show the futility of any argument derived from this source.

In the year 1867, the license fees for the sale of intoxicating liquors, which were paid into the Treasury of the City of Philadelphia, amounted to the sum of \$185,000. It is worthy of remark, as a fine commentary upon the morals of those engaged in the business, that only 3,600 out of 7,500 tavernkeepers applied for a license; in other words, that less than one-half of the whole number have even complied with the requirements of the Act of Assembly. This worse than criminal neglect of the law is only equalled by the absurdity of its provision, that the whole proceeds of the tax, after deducting a small percentage for its collection, is required to be paid over by the City Treasurer to the State Treasurer at Harrisburg, as a part of the revenue of the Commonwealth; so that in return for the vice and pauperism introduced into our midst by the liquor traffic, our city is deprived even of the revenue which that traffic is supposed to yield.

But against this amount of \$185,000 certain set offs must be made. The cost to the tax-payer in sustaining the criminal and charitable institutions of the city of Philadelphia for the last year, was two million fifty-seven thousand seven hundred and twelve  $\frac{89}{100}$  dollars, (\$2,057,712.89,) three-fourths of which amount, or over a million and a half of dollars, (\$1,500,000,) is directly chargeable to the liquor traffic.

In the year 1867, the number of arrests in the city of Philadelphia upon charges of crime and misdemeanor, was 42,614.

The Board of Prison Inspectors, who may by their position be deemed qualified to estimate correctly, have declared that at least three-fourths of all the cases committed to prison were the direct result of the use of intoxicating drinks. The costs attending the arrest and examination of these offenders, and the punishment of those against whom a conviction was had, amounted in the same year to at least one million one hundred and and twenty-seven thousand four hundred and eighty four  $\frac{06}{100}$  dollars, (\$1,127 484.06.) To this enormous sum must be added the value of the labor, which cannot be estimated, necessarily lost to the community by the arrest and imprisonment of this army of criminals.

In view of this fact, and regarding it simply as a matter of public economy, the highest authorities, Judges and Grand Jurors, have declared that if the traffic in intoxicating drinks were suppressed, the expenses of the entire machinery of justice, comprising our criminal courts and magistrates,

police force, our prisons and almshouses, might be reduced at least three-fourths, and in a corresponding degree the peace and good order of our city and the quiet of our citizens enhanced.

At a time when the burden of taxation is pressing with hardship upon every individual, statistics like these invite careful study, and point unerringly to the true remedy.

But recently the Hon. Joseph Allison, President Judge of the Court of Quarter Sessions of Philadelphia county, in sentencing a prisoner who had been convicted of murder, took occasion to speak of the previous good character of the prisoner, describing it as an enviable one, independent of the offence for which he was about being sentenced, and referred to the fact that the use of intoxicating liquor had been the cause of his crime and disgrace. At the same time the learned Judge remarked that the case of the prisoner was but a type of nearly all the murder cases that had previously come under his notice, his observation and experience having convinced him that to the use of intoxicating liquor were to be attributed the numerous murders yearly committed—*that blood and rum went hand in hand.*

This statement, emanating from such high authority, is worthy of grave consideration, and should be brought prominently to the notice of the whole community. Your Agent begs leave to add that his experience enables him to corroborate the above remarks of the Judge. Out of about 20,000 prisoners, who, during the last fourteen years, have been set at liberty through the Agent's efforts, nearly all were the victims of intemperance, either directly or indirectly upon the part of the prosecutors or themselves.

In the early part of 1867, Governor Geary appointed Mahlon H. Dickinson, Esq., State Prison Inspector, to visit the several prisons and almshouses of the State, and report upon their condition, &c. Mr. Dickinson performed the duties of his position, visiting nearly all the prisons and almshouses of the State, and has recently made a very interesting report to the Governor, in which he states that the officers of the prisons and almshouses in the different counties assert, that of all offences against the laws, more than three-fourths are directly chargeable to the use of intoxicating beverages, some officers even making the proportion greater—as for instance in Lancaster county, where the officers positively assert that *nine-tenths* of all offences are directly chargeable to the use of liquor; and Mr. Dickinson, in a very emphatic manner, asserts his conviction that the highest estimates are nearest the truth. He states that in one county alone, out of

thirty-seven prisoners remaining in prison on the 31st day of December, 1866, *twenty-seven were habitual drunkards, and ten claimed to be moderate drinkers.* Facts such as these should impress themselves deeply on the minds of the thinking portion of the community, and should lead them to stir themselves with energy to prevent any further spread of this great evil.

Man alone and unaided can accomplish nothing, his reliance must be placed upon that GOD who doeth all things well : let man but place his shoulder to the wheel and endeavor to push forward this work of reform, with faith in the Almighty as to the ultimate success of his great work, and he can rest assured that GOD will speed his work, and in his own good time bring about the result now so earnestly sought and longed for ; remember that the right is with us, GOD is with the right, and victory with GOD. If any thing further were needed to arouse the slumbering energies of the friends of philanthropy and humanity, they need but look into the daily cases of perjury and gigantic fraud perpetrated by those engaged in this hellish traffic of liquor to be reminded how fast the fell monster is spreading itself ; as one instance of fraud, we may here state that it has been publicly stated in Congress, and has been proved by the reports of investigating Committees, that the income derived by the Government from the tax on distilled spirits is but twenty-five millions, whereas the amount actually due the Government, and which ought to be received, were it not detained by fraud, is over *one hundred millions of dollars* (\$100,000,000) annually, and Congress has been engaged for a long time back, and is now engaged in endeavoring to devise a plan by which the Government can be protected, and the frauds upon the part of those engaged in the business put an end to. Special Commissioner Wells in his last report states that the aggregate sales of wholesale dealers during the fiscal year ending June 30, 1867, as deduced from the receipts of Internal Revenue, was six billion two hundred and forty-nine million, seven hundred and forty-five thousand, three hundred eighty dollars (\$6,249,745,380,) of which amount the aggregate sales of wholesale *liquor dealers alone* reached the sum of *six hundred and nine million, two hundred and seventy-eight thousand and fifty dollars* (609,278,050 ; ) that the aggregate of sales by retail dealers throughout the United States, were two billion four hundred and fifty-seven million, four hundred and thirty-two thousand, eight hundred and ninety-two dollars (\$2,457,432,892,) of which amount the sales of *retail liquor dealers alone* reached the enormous sum of *one billion four hundred and eighty-three million, four hundred and ninety-one thousand eight hundred sixty-five dollars* (\$1,483,491,865,) or,

*more than one-half of the aggregate sales of retail dealers of all classes of merchandise in the United States.* In Philadelphia alone the aggregate sales of retail dealers amounted to \$94,141,224; of which amount the aggregate sales of retail *liquor* dealers amounted to no less a sum than *forty-three million six hundred and thirty-five thousand eight hundred and forty dollars* (\$43,635,840.) These facts are so startling, that the community might well be pardoned for doubting them; a reference, however, to the last report of Special Commissioner Wells, from which they are extracted, will convince the most sceptical: the figures above quoted show the enormous extent of the liquor traffic as acknowledged by those engaged in it; when we add to this the immense illegitimate and unlawful traffic in liquor, computed by the most moderate competent judges to be much more than double that of the legitimate, the figures may well cause the philanthropist, who has never before investigated the subject as a matter of statistics, to start with alarm from his repose and betake himself with vigor and earnestness to the task of endeavoring to banish this curse from our land. The time may not yet have come, when total prohibition will be received with favor by the public mind; but the time must come and that speedily, unless this enormous and soul-destroying traffic is in some way impeded: it will assuredly force itself upon the community as a necessity, as a matter of protection against the spreading of crime and the growth of pauperism.

The opponents of prohibitory laws have had ample time to test the efficiency of the present license system, and have failed yet to prove to the community how it has been benefited by it; the community, however, for itself, has seen and discovered the fact, that since its enactment, crime and pauperism have been encouraged, fostered and largely increased; it is high time that the advocates of prohibitory laws should have the opportunity of testing their system and exhibiting to the people the results they claim would follow its adoption; viz., increased good order and security in the community, decrease in crime and pauperism, and a vast decrease consequently in the expenses of government. We may hope that this matter may soon be brought to legislative notice, and when so brought forward, receive appropriate and necessary attention. We may rest assured that such action will meet the hearty approval of our present excellent Governor. Words fail us to express our admiration for the man, who in the beginning of his term of office as Governor, had the moral courage to speak out to the politicians and people of this State, in the following forcible and manly way; he said, "that he had not tasted a drop of liquor in his whole life; that throughout his eventful career in Mexico, on the Pacific Coast and

through the rebellion he had not found it necessary to use liquor. He had been nominated, by his party, for Governor of the Keystone State, but he had not used that which destroys body and soul to secure the nomination; and the subsequent exciting canvass was conducted, on his part, upon strict temperance principles. He was happy to say that on his inauguration there was no whisky used. His administration had just commenced, and he pledged his word, that he could and would perform his duties without the use of a drop of intoxicating liquor." These remarks were received with great approbation.

With a Governor who can use such language, and who by his high position sets a noble example to every citizen of the Commonwealth, we have no cause to despond, as to the result, should legislation, regulating and restraining the liquor traffic, be brought to him for official sanction.

New York and New Jersey have both passed a law requiring all places wherein liquor is sold to be closed on election days. The law has been for some time in operation and its good results are seen in the good order and increased security to life and property which are exhibited on that day. The law is rigorously carried out. Such a law would prove of immense benefit to Pennsylvania. In our own State, at the last session of the Legislature, a law was passed imposing certain restrictions upon the retail dealers in liquor, requiring them to close their places every night at twelve o'clock and keep them closed until five in the morning, and to close them all day on Sunday, and giving the police force the right to enter to quell disturbances, &c. This seemed one step in the right direction; but, to the astonishment of the public, a few days ago a distinguished member of the Legislature arose in his place and gravely stated that the law above alluded to was passed by fraud, and that the *people* demanded its repeal, and he expressed the hope that it would be speedily acted upon and repealed, a result which will no doubt follow. Here is an instance of apathy upon the part of the people of Philadelphia, almost unprecedented. The people, for whose benefit this law was passed, remaining inactive and disregarding their own interests, while the tavernkeepers are straining every nerve to compel the politicians to protect them.

The *people* do *not* desire the repeal of this law, but look upon it as one step forward in the march of moral reform. The fact of the case is simply this, that the tavern keepers are alive to their own interests while the advocates of temperance are looking on with comparative indifference. The tavern keepers with an energy and enthusiasm worthy of a better cause, have banded themselves together into organizations, and have contributed



largely of their means for the sole purpose of procuring protective legislation for themselves. Let the friends of temperance use the same means, and act with the same vigilance and energy, and their efforts will assuredly be crowned with more success than in the past. The higher questions which are involved in the subject of prohibitory legislation as a means of prevention of crime, cannot be too strongly urged upon a society, which has for its object the improvement of the criminal classes. Your Agent would respectfully but most earnestly, solicit your endeavors to assist in procuring such legislation, convinced as he is that whilst the present licence system, by giving immunity to the traffic in liquors, operates simply as a stimulus to crime, the best efforts of philanthropy can only ameliorate evils, which without the aid of that system would scarcely exist. If the business is to be continued, the rumseller should be required to give security to support all the criminal and pauper institutions that are fairly chargeable to the traffic. It is not right to tax the temperate portion of the community, who do not use the article, for a business to which they are opposed. An argument frequently made use of by the opponents of a prohibitory law, is that it would be unconstitutional. Congress did not seem to think so, when in 1834, they passed a law to prevent the increase of intoxication among the Indians, making it an offence punishable by a fine of one thousand dollars, *even to give* liquor to an Indian, (see Brightly's Digest of United States Laws, page 429, section 70, edition of 1858, Act of June 30, 1834.)

If it was necessary and lawful to enact such a law for the protection of morals, life and property, among the Indians, who living in a state of freedom and far away from cities, are not apt to become willing instruments of crime; how much more necessary is it, that the rights of the inhabitants of cities should be protected, where civilization, the growth of commerce and of wealth, and a thousand other causes, offer peculiar temptations to crime; let us make an effort to banish from our midst at least one, and perhaps the greatest incentive to crime, viz.: the use of intoxicating drink. As we have endeavored to show by statistics, in the former part of this report, that immense sums are expended in taking care of the *effects* of intemperance, let me here suggest that it would be a matter of policy and economy to spend some of it in the effort to check the *cause* of so much crime, pauperism and misery. In Philadelphia alone, it is estimated that we have three hundred and eighty-five churches and two hundred and forty-five schools; these Institutions have done, and are now doing an immense amount of good in promoting the moral welfare of the community; but a formidable barrier

stands in the way of their efforts, which with all their energy, they have, as yet been unable to remove ; it stands between their counsels and work, and those whom they endeavor to reach by their influence and example, impeding all their efforts and seeming to say, "thus far shalt thou go and no farther." We allude to the traffic in intoxicating liquor. The clergy of all denominations from all parts of the State, the citizens of the Commonwealth, irrespective of party, men of all grades and classes have appealed, and now, most urgently do appeal to the Legislature to remove this barrier, in order that the cause of Christianity, morals and education, may be advanced, and the best interests of the community subserved ; hitherto their appeals have been in vain.

Intemperance is a great and serious evil, and the cause of much crime and pauperism ; if the Legislature possesses the right (a right which has been often exercised) of passing sanitary laws, as for instance, a law prohibiting the sale of tainted meat, or laws endeavoring to prohibit the rendering of water impure, surely they must possess the right to put a stop to the sale of that which destroys both body and soul, renders the best efforts of Christianity nugatory and void, and entails untold crime and misery in the world ; and if they do possess the right (a fact which no reasonable man can question), they should respond to the appeals constantly made to them, and no longer hesitate to exercise that right, and so rid the community of a great curse and be the means of working incalculable good.

When we look around us in our own city, and perceive how deep a root crime and pauperism have gained among us, how they are spreading more and more from year to year, until our prisons have become too small to contain those who, by indulging in the use of intoxicating drink, have become fit subjects for crime, and have strayed from the paths of virtue and right ; when we perceive our charitable institutions filled to overflowing with the poor and unfortunate, rendered so by the fatal curse of liquor ; when we bear in mind the emphatic declaration of the Bible that "A drunkard can not enter the Kingdom of Heaven ;" when the temporal and spiritual welfare of the drunkard is in such hazard, we should be led to feel that a great work is to be done—a work requiring energy, perseverance and faith, and we should strike the alarm at once, and with all our vigor push forward until the good work is consummated.

We cannot better close this portion of our report, than by quoting the following short article from the *Independent* :

"The principle of prohibition itself, drafted into a proper legal shape, is sound, righteous, and statesmanlike. If the law can justly prevent a man

largely of their means for the sole purpose of procuring protective legislation for themselves. Let the friends of temperance use the same means, and act with the same vigilance and energy, and their efforts will assuredly be crowned with more success than in the past. The higher questions which are involved in the subject of prohibitory legislation as a means of prevention of crime, cannot be too strongly urged upon a society, which has for its object the improvement of the criminal classes. Your Agent would respectfully but most earnestly, solicit your endeavors to assist in procuring such legislation, convinced as he is that whilst the present licence system, by giving immunity to the traffic in liquors, operates simply as a stimulus to crime, the best efforts of philanthropy can only ameliorate evils, which without the aid of that system would scarcely exist. If the business is to be continued, the rumseller should be required to give security to support all the criminal and pauper institutions that are fairly chargeable to the traffic. It is not right to tax the temperate portion of the community, who do not use the article, for a business to which they are opposed. An argument frequently made use of by the opponents of a prohibitory law, is that it would be unconstitutional. Congress did not seem to think so, when in 1834, they passed a law to prevent the increase of intoxication among the Indians, making it an offence punishable by a fine of one thousand dollars, *even to give liquor to an Indian*, (see Brightly's Digest of United States Laws, page 429, section 70, edition of 1858, Act of June 30, 1834.)

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We cannot better close this portion of our report, than by quoting the following short article from the *Independent* :

"The principle of prohibition itself, drafted into a proper legal shape, is sound, righteous, and statesmanlike. If the law can justly prevent a man

from building a frame-house in a crowded city, the law can as justly prevent a man from establishing a grog shop in the same city. If the law can rightfully touch, as it does, every conceivable question, high and low, beginning at marriage and divorce, passing on to trade, usury and travel, and even reaching down to intermeddle with slippery sidewalks and with ash-barrels in the streets, then the same law, in taking cognizance of everything else, can take cognizance also of the awful intemperance of these evil days, and can sweep the snare from under the citizens' feet."

A reference to an official, printed document of the City Commissioners containing the total number of male, taxable inhabitants of the city of Philadelphia, will show the following facts. The number is 133,268; in a former part of our article we have shown that the citizens of Philadelphia pay, annually, for the support of our criminal and charitable institutions, the sum of \$2,057,712,89, of which sum more than three-fourths, or over a million and a half of dollars is directly chargeable to the traffic in intoxicating drink; this sum, if divided among the tax-payers and voters, would leave over eleven dollars to be paid by each individual. It is estimated that less than one-third of the whole number of tax payers are property owners, who, of course, are compelled to bear the greater proportion of the expense, in their acts of benevolence and otherwise.

## TABLE

Showing the Total Number of Persons admitted to the PHILADELPHIA COUNTY PRISON, EASTERN PENITENTIARY, WESTERN PENITENTIARY, ALMOHOUSE, and THE PHILADELPHIA SOCIETY FOR THE EMPLOYMENT AND INSTRUCTION OF THE POOR, and Number Released by the PHILADELPHIA DISPENSARY annually, for the last five years. Also, showing Expenses of some Institutions, annually, for same period of time.

| INSTITUTIONS.                                                     | NUMBER ADMITTED. |        |        |        |        |         | EXPENSES.   |             |             |              |              |              |
|-------------------------------------------------------------------|------------------|--------|--------|--------|--------|---------|-------------|-------------|-------------|--------------|--------------|--------------|
|                                                                   | 1863.            | 1864.  | 1865.  | 1866.  | 1867.  | TOTALS. | 1863.       | 1864.       | 1865.       | 1866.        | 1867.        | TOTALS.      |
| Philadelphia County Prison.....                                   | 17,219           | 14,069 | 16,466 | 19,468 | 18,876 | 86,827  | \$50,225.95 | \$53,737.51 | \$69,262.83 | \$103,111.13 | \$138,071.39 | \$419,896.31 |
| Eastern Penitentiary.....*                                        | 183              | 150    | 253    | 364    | 291    | 1,241   | 29,345.90   | 41,236.00   | 45,909.70   | 50,747.00    | 54,750.00    | 221,988.60   |
| Western Penitentiary.....                                         | 89               | 73     | .....* | 280    | 222    | 664     | 20,467.75   | 41,589.33   | .....       | 49,870.31    | 67,783.41    | 179,770.80   |
| Almshouse.....                                                    | 3,704            | 5,002  | 5,740  | 6,028  | 5,901  | 26,875  | 256,892.72  | 399,252.07  | 420,679.49  | 442,342.06   | 443,340.75   | 1,962,507.09 |
| Philadelphia Dispensary.....                                      | 9,502            | 10,064 | 10,665 | 17,651 | 18,346 | 66,228  | 2,946.51    | 4,191.16    | 4,496.47    | 5,205.01     | 5,400.00     | 22,229.15    |
| Philad's Soc. for the Employment and Instruction of the Poor..... | 4,427            | 4,503  | 3,456  | 3,809  | 4,934  | 21,129  | 1,862.93    | 5,951.29    | 3,768.75    | 3,207.56     | 4,062.99     | 18,843.52    |

\* We were unable to obtain the number admitted, or expenses for 1835, of Western Penitentiary.

The total expenses of the Criminal and Charitable Institutions of the City of Philadelphia, for the year 1867, including, among other Institutions the following:—Children's Hospital of Philadelphia, Howard Hospital, Preston Retreat, Philadelphia Orphan's Society Asylum, St. John's Society for Orphan Boys, St. Joseph's Female Orphan Asylum, St. Vincent's Orphan Asylum, St. Ann's Widows' Asylum, German Reformed Orphan Asylum, Colored Orphan Asylum, Magdalen Society, House of the Good Shepherd, Rodine Association, Industrial Home for Girls, Foster Home, Home for Destitute Colored Children, Temporary Home Association, County Prison, Criminal Court, Police Force, House of Refuge, Almohouse, Eastern Penitentiary, Western Penitentiary, Northern Home for Friendless Children, Union Benevolent Association, Union School and Children's Home, Home Missionary Society, Philadelphia Society for Employment and Instruction of the Poor, Howard Sunday School Society, Union Temporary Home, Home of Little Wanderers, Bedford St. Mission, Northern House of Industry, Western House of Industry, Northern Dispensary, Southern Dispensary, Philadelphia Dispensary, 8 Soup Societies, Provident Society for Helping the Poor, various Dorcas Societies, Charity Hospital, St. Joseph's Hospital, Female Society of Philadelphia for the Relief and Employment of the Poor, &c., &c., &c.—were \$2,057,712.89.

The amount spent in New York for the various private charitable institutions, for the year 1867, was over Three Million Dollars,

Since the above article was placed in the hands of the printer, the following notice appeared in the *National Temperance Advocate*, in the Report of the Proceedings of the State Temperance Convention held at Harrisburg, February 18, 1868 :—

The following papers, prepared in advance by invitation, were presented to the Convention, and ordered to be printed in the published proceedings. They were prepared with much care, and will make a valuable addition to our temperance literature.

“What degree of Intoxication is attended with the greatest amount of evil in society?” By Dr. Sumner Stebbins.

“Intemperance and Disease,” by Dr. Joseph Parrish.

“Cost of Intemperance,” by Dr. R. Hargraves.

“Alcohol as a Medicine,” by Dr. H. Corson.

“Intemperance and Crime, with the cost thereof in Philadelphia,” by William J. Mullen.

“Church and Temperance Societies,” by Rev. George Junkin.

“Prohibition,” by William Nicholson.

1

2



# OFFICERS OF THE SOCIETY.

1868.

PRESIDENT,—JAMES J. BARCLAY.

VICE-PRESIDENTS, { JOSEPH R CHANDLER,  
WILLIAM S. PEROT.

TREASURER,—WILLIAM DUANE.


SECRETARIES, { JOHN J. LYTTLE,  
EDWARD TOWNSEND.

COUNSELLORS, { HENRY J. WILLIAMS,  
CHARLES GIBBONS.

## ACTING COMMITTEE.

Charles Ellis,  
Thomas Latimer,  
John M. Wetherill,  
Benjamin H. Pitfield,  
James E. Kaighn,  
Alfred H. Love,  
Edward H. Bonsall,  
George Taber,  
William L. J. Kiderlen,  
James Peters,  
William Armstrong, M. D.,  
William Nicholson,  
Philip P. Randolph,  
Samuel Townsend,  
Albert G. Rowland,  
Benjamin H. Shoemaker,  
Henry Perkins,  
George M. Elkinton,  
Jas. M. Corse, M. D.,

Theodore Trewendt,  
Joshua Eyre,  
I. Lukens, M. D.,  
William J. Mullen,  
William R. MacAdam,  
Thomas A. Robinson,  
John Livezey,  
Robert E. Evans,  
Henry M. Laing,  
Mahlon M. Dickinson,  
Robert McClintock,  
Adam C. Eckfeldt,  
Joseph Parrish, M. D.,  
Lewis R. Conard,  
A. Jackson Ourt, M. D.,  
J. H. Seitz,  
Joshua Paxson,  
Rev. Chas. F. Diver,  
Alfred M. Collins,

 WILLIAM J. MULLEN is Agent of the County Prison, appointed by the Inspectors, and acting under their direction, and is also appointed by the Prison Society.

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FIFTEENTH ANNUAL REPORT  
OF  
**William J. Mullen,**  
**PRISON AGENT,**



To the Philadelphia Society for Alleviating the Miseries of  
Public Prisons.

*Instituted 1787.*

**JANUARY 1, 1869.**

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FIFTEENTH ANNUAL REPORT

OF

**William J. Mullen,**

PRISON AGENT.



**JANUARY 1, 1869.**

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*PHILADELPHIA:*

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FIFTEENTH ANNUAL REPORT  
OF  
WILLIAM J. MULLEN,  
Prison Agent.  
*January 1st, 1869.*

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To the "*Philadelphia Society for Alleviating the Miseries of Public Prisons.*"

GENTLEMEN :

The Agent, in accordance with custom, herewith presents his Fifteenth Annual Report for your consideration and approval, with the hope that it may be found satisfactory.

The number of arrests made by the police in our city during the past year, amounts to thirty-six thousand three hundred and thirty-three (36,333), showing a decrease in comparison with last year, of 6,281; and the number of commitments to our County Prison, within the year, was seventeen thousand six hundred and twenty (17,620), showing a decrease in the number of commitments of nine hundred and fifty-five (955) as compared with the previous year.

The Agent, with this large amount of crime and consequent misery before him—followed necessarily by a great proportion of absolute but suffering innocence—made it his constant endeavor to discriminate between the guilty and the innocent, and to ascertain correctly what cases there were that would admit of such relief as it was in the Agent's power to extend appropriately to them. His occupation is at all times laborious and perplexing, requiring the exercise of great judgment and care in the selection and disposition of cases, but he has been often greatly encouraged to persevere by the beneficial and happy results to the poor, friendless prisoners, as well as to their suffering, innocent families. These considerations have stimulated and encouraged the Agent to



renewed zeal in the great and good cause to which he has devoted himself.

Over three thousand seven hundred (3,700) cases have been examined and inquired into, magistrates and other officers of the law have been consulted, together with the prosecutors, and over twelve hundred (1200) letters have been written and mailed on behalf of prisoners, within the last year. Through these exertions the Agent has succeeded in effecting the release from prison of sixteen hundred and three (1603) persons within the year; these were all Court cases, and were not cases that could have been discharged by the Inspectors. Of this number, seven hundred and fifty-three (753) were men, eight hundred and twenty (820) women, and thirty (30) children; these latter, in many instances, were held in confinement with their parents. Included in the above there were thirty (30) insane persons who were cared for, their cases settled, a proper certificate, certifying to their insanity, obtained from the Prison Physician, and they were released and taken to the Insane Asylum. Of the sixteen hundred and three persons who obtained their liberty through the interference of the Agent, there were but sixty-eight (68) who were able to pay anything, and they paid but the sum of one hundred and eighty-two dollars (\$182), or an average of two dollars and sixty-nine cents (\$2 69) each; this sum was given as costs, to magistrates, District Attorney, and other officials.

In the later part of this Report will be found some of the cases attended to, and that have been investigated and settled through the interference of the Agent, so that the reader will be able to judge of the character, and the grades of offence for which they were arrested. The majority of them originated in vindictiveness, malice or intemperance, many arose from thoughtlessness, suit being brought on the impulse of the moment, when a sober, second thought would have deprecated such a course. Many petty, trifling cases were brought to the attention of the Agent which should never have been allowed to exist at all. Parties concerned in these suits seem to be encouraged in them by the conduct of many of our magistrates, who being dependent upon the fees of their offices for support, issue warrants in almost every case, and that too, many times, without ever having been paid the cost of the warrant, taking their chance to get their pay out of the parties to be arrested who are brought before them. A remedy for this evil should be sought from the Legislature; the magistrates should be deprived of all interest in the commitment of persons brought before them, by rendering their offices salaried ones, and preventing them from receiving fees at all; they would then be likely to be disinterested in their judgments, and would be more merciful, and would scrutinize closely each case, and would refrain from committing for trifling offences. Such a course if pursued, would, in the opinion of the Agent, reduce the criminal business of this county at least one half, and would lessen the burden of tax-payers to the extent of many thousands of dollars annually, and that too, without endangering in the least the morals or the safety of the community.

The Agent in this connection inserts the charge of Judge Brewster

to the Grand Jury in which he fully indorses the views of the Agent in reference to improper commitments upon the part of magistrates: In Judge Brewster's charge to the Grand Jury, April 7, 1868, he said:

"By the Report of Mr. Mullen, the Prison Agent, for 1867, it appears, that while the arrests in this City were during that year nearly one thousand a week, only 5,861 ever reached the Grand Juries. Of these, less than one tenth were convicted. It would seem, therefore, that of all the prisoners arrested only one in every seventy-six is guilty, and that of all the bills submitted to the Grand Jury, only about one in every ten results in a conviction. Whilst, you cannot, with safety to the community, reject bills for larceny, forgery, arson, homicide, and offences of a serious grade, you can on the other hand, serve the public treasury by ignoring nine out of ten of the assaults and batteries, and minor offences. Notwithstanding suggestions from the Court, to this effect, I have known a Grand Jury to return a true bill for larceny against a man who had borrowed a step-ladder, and in another case, true bills were returned upon cross-complaints of assault and battery by two women, who encountered each others' brooms while sweeping a gutter. It is a reproach to justice that parties who have cases of real merit should be kept waiting in court, whilst our time is occupied with foolish complaints and groundless accusations returned as true bills. I earnestly recommend you to ignore all such indictments. Another subject demands your attention. We profess to be a civilized community and to treat our criminals according to law. Unfortunately this is only profession. We practice that which is a disgrace to civilization, and a violation of our Statutes. Our Eastern Penitentiary and County Prison are so overcrowded that the Inspectors hesitate whether they shall violate the law by refusing or by receiving more prisoners. In the male department of the County Prison, 425 convicts profess to be undergoing solitary confinement in 195 cells. By a report of the Clerk of the Board, enclosed to me by Mr. James A. Freeman, one of the Inspectors, it appears that 89 cells are each occupied by two convicts; 68 cells are each occupied by three convicts; and 3 cells are each occupied by four convicts. This condition of affairs is daily growing worse, and is a palpable though unavoidable violation of the law requiring separate imprisonment. There is over-crowding in the other wards of that Prison, and in the Eastern Penitentiary. If we look at the subject in the light of humanity, the condemnation is, if possible, still stronger. At my request one of these cells was measured and it is reported to me, that it contains but 985 cubic feet. From this, is of course to be deducted the space occupied by the bodies of the prisoners, and the beds and the furniture of the cells. The evils likely to result from the breaking out of a pestilence in such an establishment may easily be conjectured. Injuries to morals, and violations of nature and decency, of which complaint has been made to me by a prisoner, of a character which will not bear public repetition, are unfortunately matters of sad truth and no conjecture. I therefore recommend that you visit the prison as soon as possible, and that you make such presentment of the facts as will invoke the proper action for the remedy of these great evils."

The Agent, in his endeavors to relieve the oppressed, visits the prosecutors, reasons with them, and obtains if possible, their consent to the settlement of the prisoner's case by the magistrate, when it can be done according to law. Under other circumstances, where this cannot be done, he sees that a prompt return of the case is made to the District Attorney by the magistrate, and, when necessary, supplies the prisoner with counsel, and attends to having the witnesses brought into Court. By this management, injustice and unnecessary delay are prevented, and the cases are promptly disposed of.

A large proportion of the persons released from prison through the interference of the Agent, were entirely innocent of the offences with which they were charged; while some of the number were guilty, but

their cases presented many extenuating circumstances which rendered the Agent's efforts in their behalf proper, and were such as met with the approval of the authorities. The Agent, however, wishes it to be *distinctly* understood, that he has not in any case endeavored to defeat the ends of justice, by shielding the really guilty from the punishment due to their offences, but, at the same time, he has deemed it his duty to interfere in cases of a trivial character, or when they were accompanied with such mitigating circumstances as to make a longer confinement not only unnecessary but oppressive.

His efforts have been mainly exerted in behalf of innocent persons, who have been committed to prison, and who, through the Agent's prompt interference, have been at once restored to their suffering families; many of them being parents having helpless children of a tender age depending upon them for support. In this way he has saved numerous families from being broken up, and the members of those families from being scattered and ruined. The release of these persons from prison has been a saving to the tax-payers of eighteen thousand two hundred and sixty-one dollars and twenty cents (\$18,261<sup>20</sup>/<sub>100</sub>), of which amount eleven thousand six hundred and twenty-one dollars seventy-five cents (\$11,621<sup>75</sup>/<sub>100</sub>) would have been required for ignoring their cases, and six thousand six hundred and thirty-nine dollars fifty cents (\$6,639<sup>50</sup>/<sub>100</sub>) would have been expended for their maintenance, had they been detained in prison until the earliest period in the term of the Court for disposing of their cases.

The whole number of persons released through the interference of the Agent, during the last fifteen years, since the commencement of his Agency, has been twenty-one thousand seven hundred and ninety-two (21,792), at a saving to the County of one hundred and ninety-five thousand two hundred and fifty-five dollars forty-seven cents (\$195,255<sup>47</sup>/<sub>100</sub>), facts which, taken in a pecuniary point of view, alone would make his mission one of importance.

Out of the thirty-six thousand three hundred and thirty-three (36,333) arrests within the year, there were but five thousand three hundred and fifty-three (5,353) cases acted upon by the different Grand Juries; of this number there were two thousand three hundred and sixty-one (2,361) cases ignored, and two thousand nine hundred and ninety-two (2,992) true bills found. Of all this number there were but five hundred and fifty (550) who were found guilty and convicted, after having been tried in Court. Of these but four hundred and eighty-six (486) persons were found guilty, and sentenced to hard labor, and sixty-four (64) not to labor.

The expenses of the Criminal Court (including Jurors, Witnesses, District Attorney, Clerk of Court, and Tipstaves), for the year, were fifty-six thousand two hundred and thirteen dollars forty-two cents (\$56,213<sup>42</sup>/<sub>100</sub>).

The expenses for the support of the prison for the past year were, one hundred and four thousand six hundred and thirty-one dollars and sixty-three cents (\$104,631<sup>63</sup>/<sub>100</sub>), and the amount paid to the Police during the

same period was eight hundred and forty-four thousand four hundred and eighty-four dollars twenty-four cents (\$844,484,  $\frac{24}{100}$ ).

Of the seventeen thousand six hundred and twenty who were committed to prison within the year there were thirteen thousand and seventy-five males and four thousand five hundred and forty-five females. Of this number twelve thousand and ninety-six were white males, and four thousand and fifty-one were white females, nine hundred and seventy-nine were colored males and four hundred and ninety four were colored females. The number of persons discharged from the County Prison during the year was as follows:—By the Inspectors, seven thousand and seven (7007), who had been committed for drunkenness and breaches of the peace; and by the Courts, the Magistrates and others in authority, seven thousand one hundred and twenty-one (7121). Among this number were some prisoners whose term of imprisonment terminated during the year, but who had been sentenced in the year previous.

The Agent would call your attention to the alarming increase of crimes of a high grade, showing a fearful state of things. In 1868, there were thirty-nine (39) cases of murder and one hundred and twenty-one (121) cases of assaults to murder, while in 1867, there were twenty-eight (28), being an increase, during 1868, of eleven (11); in 1868, there were ninety-four (94) cases of infanticide, while in 1867 there were sixty-six (66), being an increase, during the year 1868, of twenty-eight (28). This increase is startling and shows that something should be done to prevent this state of things and stop the growth of this species of crime. The Agent would here allude to the fact that while crime has largely increased among the white population in our midst during the last few years, it has, among the colored population, proportionately decreased. An interesting fact asserted by Dr. Henry Yale Smith, the Physician of the Prison is, that during all his long and extended experience in the treatment of cases of *mania-a-potu* (twelve years of which he has been Physician of the Prison), he never yet has seen a case of *delirium tremens* in a pure negro. This fact was asserted by the Doctor many years since, and he has stated recently that he has seen no cause to change his opinion in that respect.

## PRESENTMENT OF THE GRAND JURY, APRIL 30, 1868.

[This presentment was in response to the charge of Judge Brewster, quoted above.]

The Grand Jury made their presentment, stating that they had acted on four hundred and twenty-two bills of which have been returned, as true bills, two hundred and nine, and two hundred and thirteen have been ignored. The Grand Jury, on its organization for the April term of the Court, received a special charge from Judge Brewster, relative to the County Prison, and the reception and treatment of prisoners there, with reference particularly to the crowded condition of the cells appropriated to convicts, and the capacity of the Prison for the number which, in the administration of the criminal laws of the State, are sent thither

for punishment. Such a charge naturally strengthened the motives of the Grand Jury to investigate the state of the Prison, and added to the earnestness and closeness of their inquiries into the capabilities of the place, and the administrations of its affairs. On the 22d of April, the Grand Jury visited the County Prison, and were received by the Superintendent and the Visiting Inspectors, and entered at once into inquiries suggested by the "charge of the Court." The County Prison consists of three blocks or buildings, one of which is specially appropriated to the male convicts sentenced to separate confinement and hard labor.

### MALE CONVICT BLOCK.

This building consists of three stages or stories, each containing about sixty-four available cells, in the whole about one hundred and ninety-two cells, 12 feet 9 inches long by 8 feet 10 inches wide. In these cells are now four hundred and fourteen convicts—more than two to each cell; but, as of necessity, some of these prisoners must be kept separate from others (those convicted of murder, and some of a class whose brutality will admit of no companionship), it follows that there are two and three prisoners in many of the cells of this block. The law of the Commonwealth with reference to the confinement of convicts is simple and direct, and the Honorable Court will judge of its application. It is evident that in this crowded state of the Prison, there can be little hope of improving the morals of the inmates; the association of the bad seems to bring the best of them to the standard of the worst. It is a private school for vice, and though the humane visit the cells with religious and moral advice, the effect of the lesson is rendered, at the best, temporary, by the coarse comments that succeed the departure of the teacher.

A few hours each month or week, given to instruction, are of little effect against the habits of vice and crime, that brought the most of the prisoners to the cell, and the impression upon the less hardened is too light to withstand the persistent antagonism of the permanently bad. It is scarcely necessary to speak of the effect of such a want of space, and the consequent impurity of the atmosphere, upon the health of the inmates. The physical constitution of the prisoner must be strong, indeed, to withstand the effects of such confinement. Nor are these all the evil results of association in the cells. The number in the cells is suggestive of strength, and association also sharpens invention, and a prison that with only one convict in a cell, seems to hold out no hope of escape, no sooner receives two or three into adjoining cells, than it becomes the theatre of schemes for evasion, and the whole talk and the whole plan of the congregated convicts are to unite their ingenuity and their strength to contrive plans and apply instruments that shall insure their escape. The simplest end of punishment (confinement) is scarcely insured by a plan, that by numbers, supplies the means of escape, while the moral and physical condition of the convict must be made worse.

## SOUTH BLOCK, OR UNTRIED MALE DEPARTMENT.

The south block or untried male department is about the same dimensions, and with the same number of cells as the male convict block. All the cells of the lower story of this block, are devoted to male drunkards and vagrants who may be (and who are, when the cells become crowded,) discharged by the Inspectors, and thus the place is relieved.

The second story or corridor is devoted to the reception of untried or unsentenced males. There are in this corridor sixty-two cells, and there are confined in these cells, sixty white and seventeen colored persons, in all seventy-seven prisoners, charged with homicide, arson, forgery, robbery, burglary and larceny. Here are more than one to each cell, and if it be wrong to the convict to place him with another of his own class, then it is a greater wrong to place the untried, who, in the eye of the law, is innocent, where he is brought into intimate association with the corrupt and bad, and exposed to temptations to do even worse acts than those charged upon him.

The third or upper gallery of the untried block, has about sixty available cells, and contains forty-seven prisoners sentenced (but not to hard labor), and sixty-eight untried, making a total of one hundred and fifteen, nearly two for each cell. But in this gallery, as in some other parts of the prison, some of the prisoners must be kept separate, and it follows that there are cells crowded with three or four prisoners. To this simple statement of the condition of the two departments of the County Prison, in which males are confined, it seems scarcely necessary to add suggestions as to a remedy for the evil, to which the Court directed the enquiries of the Grand Jury. The evils exist contrary to the laws of this Commonwealth, and in violation of the principles of humanity and sound policy, upon which those laws are founded. The Court must sentence the convicted offender according to the provisions of the law, and the Superintendent of the prison must receive those convicts according to the sentence of the Court; but he cannot treat them according to the law and the sentence. One remedy for this state of affairs, and one only, presents itself, (till some improvement in public morals shall diminish the number of criminals); and that remedy is the enlargement of the existing County Prison, or the erection of another prison. The authority may rest with the Legislature of the State; the means must be supplied by the Councils of the City. The Grand Jury present the evil. The suggestions of the honorable Court may be potent in securing the means, by which convicted offenders may be punished according to law, and imprisoned according to humanity. It may be remarked that while this Grand Jury concurs with preceding grand inquests, in recommending a House of Correction, it should not be supposed that any such institution would soon lessen the crowd in the convict and untried blocks of the County Prison. The enlargement of the prison, and the erection a House of Correction are both needed. The Grand Jury think it only justice to the administration of the prison, to say, that with all the disadvantages noted, cleanliness, propriety, and order pervade the establishment, and the appearance of the interior of

the two blocks devoted to males is highly creditable to the Superintendent and officers of the institution.

### FEMALE DEPARTMENT.

The third division of the County Prison is that devoted to females. It was gratifying to the Grand Jury to find that the recent extension of the building of the female department, and the adaptation of the old debtors apartment to the same purpose, had been accomplished, and that the expectations indulged, when the work was projected by the Inspectors and authorized by City Councils, have been realized. There are here forty-two white, and twenty-five colored convicts, making sixty-seven convicts and sentenced females, each one of whom has a cell to herself; and other cells remain for future additions to the number of convicts. The Grand Jury could not fail to be struck with and bear testimony to the great neatness and order manifested in this department; a result which shows what can be done, when provisions are equal to the requirements of the place. The separate confinement of the female convicts, permits of direct instruction of various kinds, and prisoners are profiting by the new capabilities of the place. The Grand Jury in their investigation of the condition of the inmates of the prison, naturally made themselves acquainted with the causes of their imprisonment. Reference has already been made to the great number convicted of felony, but a still greater number are sent to prison for intoxication and the result of that vice. This is an evil not to be greatly lessened by dealing with individual offenders. It often happens that the habit is confirmed before the offender finds his way to prison. But it is worthy of inquiry whether some more efficient way may not be adopted to diminish the number of those who seem to live in the place where intoxicating liquors are sold, and in the prison, and, as a natural consequence die in the Almshouse. Public economy, and public morals and decency are involved in this question.

The Grand Jury on examining the bills presented to them, and on looking through the cells of the County Prison, in which are placed for trial, persons charged with violation of the penal laws, were struck with the apparent want of discrimination in many of the commitments. It is believed a great amendment might be made in the initiatory proceedings against those charged with offences, and in that the directly and earnestly expressed opinion of the Court in the charge, under which the Grand Jury has been making inquest, can scarcely fail of good effect. But it is believed that the evil lies deeper than in the administration. The system of primary justice, seems, in our city, to need improvement. The independence of the judiciary is considered necessary to its purity. That judiciary commences below the courts of record. The Grand Jury regretted to find in the cells of the prison, several lads, committed on light charges. The associations and the impressions of such a place are certainly adverse to good morals, and may be productive of great evil, in the future life of the young prisoner. Among the

convicts in the County prison, are several sentenced to death on conviction of murder in the first degree; of these unhappy men, one particularly appealed to the sensibilities of the Grand Jury, Newton Champion, who has become insane, and is occasionally very violent. It would seem that a public prison is not a place for an insane man.

Judge Brewster, after reading the presentment, said :

Gentlemen of the Grand Jury, your presentment has given the Court great satisfaction. It must satisfy the community of the extent of your labors and the able and patient manner in which you have discharged your duties. I sincerely trust succeeding Grand Juries will follow the good example you have set, by ignoring trifling and unsupported charges. You have saved the County thousands of dollars, and parties and witnesses the wearying delay in waiting day after day to secure a hearing. Your reference to the condition of our prisons deserves the special notice of the authorities. You are discharged for the term, with the thanks of the Court for the punctuality of your attendance, and the fidelity with which you have discharged your onerous and responsible duties.

#### PRESENTMENT OF THE GRAND JURY, FOR JULY TERM.

The Grand Jury made its final presentment; four hundred and sixty bills have been acted upon; of these two hundred and ninety-nine have been found true and one hundred and sixty-one ignored. The crowded condition of the County Prison is referred to, and Councils are urged to provide additional accommodations, and also to erect a House of Correction.

Reference is made to the number of trivial cases brought to the notice of the Grand Jury, and it is suggested that three-fourths of the misdemeanors brought to their attention are caused by the indiscriminate sale of liquor.

#### PRESENTMENT OF THE GRAND JURY, FOR OCTOBER 30, 1868.

The Grand Jury say that, "while they would not shield from just punishment the infractor of any law, they cannot view, with approval, the custom of many of the Justices of the Peace, in binding over parties on such trivial charges as scarcely to meet the consideration of the Court. There have also been cases within the cognisance of the present Jury, wherein excessive bail has been demanded, in which, should conviction occur, the extreme penalty of the law would be but a moiety of the amount of bail required; thus subjecting the accused to the severest trial of the test of friendship, or the only alternative, going to prison."

#### PRESENTMENT OF THE GRAND JURY FOR DECEMBER TERM.

The Grand Jury made their presentment, stating that they have acted upon four hundred and fifty-three bills; found two hundred and twelve true, and ignored two hundred and forty-one. The majority of bills ig-



nored have been returned by Aldermen for the most trivial causes, thus consuming the time of the Jury and putting the County to unnecessary costs.

The crowded condition of the County Prison is referred to, and the evil resulting therefrom deplored. The presence of small boys in the untried department is regretted, and they feel it a duty to express a hope that there will before long be provided a House of Correction for those who now crowd the vagrant cells of the prison in the summer, and occupy a part of the Almshouse in the winter.

Judge Peirce in reply, said :

"If there was no power in the municipal government to erect a House of Correction, other power would undoubtedly be found to erect such a building, and stop the great evils now existing by reason of the absence of one."

### THE FEMALE DEPARTMENT.

This department of the Prison, under the immediate management of the Hon. Joseph R. Chandler, is one of the most complete places of confinement for criminals, to be found in this country, and, it is believed, has no equal in the world, and may be fairly called a model prison. The Pennsylvania System of separate confinement is here faithfully adhered to, and literally carried out; each inmate has a cell for herself, which is well aired and ventilated, and is healthful. This department is supplied with an abundance of pure, fresh air, by means of its admirable arrangements for ventilation, and in this particular is equal, if not superior, to any similar institution in the State. Inspector Chandler devotes his whole time to the inspection and management of the Prison, giving most of his time, however, to this portion of it, which he visits twice daily. His kindness and attention to the inmates, especially during times of sickness, are deserving of the highest praise, while his unostentatious but liberal charity is enjoyed by those whose conduct and behavior deserve it. The Matrons and the Keeper, Mr. Sargent, are faithful and attentive to all their duties, and the good order and cleanliness manifested here, reflect upon them the highest credit.

### MANAGEMENT OF THE PRISON.

The good management and economy of the Prison by the Board of Inspectors, is such as to command, and deserve, universal approval. Mr. Wm. B. Perkins, the competent Superintendent, cannot be too highly praised for his efficient service in maintaining proper discipline, and for his care and attention to the duties of his position in the preservation of good order and cleanliness. Notwithstanding the crowded condition of the Prison, the health of the inmates continues good. Dr. Henry Y. Smith, the Prison Physician, and his Assistant, Dr. Butcher, are also faithful and attentive to their duties, and continue to render their valuable services to all who need them.

## DISCHARGED CONVICTS.

The Agent has given particular attention to discharged convicts, a class peculiarly needing aid and help. Many of them are strangers in our city, without either means or friends. The Agent makes it his business to visit each convict a day or two before he is discharged, in order that he may ascertain his circumstances and condition. He furnishes them, if needed, with necessary articles of clothing, and supplies them with sufficient money to meet their immediate wants. In many cases, he provides them with temporary homes at the House of Industry or elsewhere, or obtains for them self-supporting employment, and, when required, procures railroad tickets for them to convey them to their distant friends. Many of the discharged female convicts are taken by the Agent to the Howard Home, or to the Rosine Asylum, where they are properly cared for, and instructed in useful occupations.

## OPPRESSION OF SEAMEN.

The Agent's attention is frequently called to the cases of seamen who have been illegally and unjustly imprisoned by keepers of Sailors' Boarding Houses; this class of men after making long voyages, seem to have escaped all the perils of the sea, only to fall into the hands of what are vulgarly called "land sharks" and others who look upon them as an easy prey. Some alteration in the law regulating these establishments should be made; many sailors as soon as they land from their ships are taken in hand by these boarding house keepers and taken to their hotels, where every expedient is resorted to, to obtain possession of their money, by supplying them with abundance of intoxicating liquors for which they charge them heavily, until finally the poor fellows find themselves without a cent and in the debt of their landlord, who to get rid of their importunities or to extort more money by compelling them to re-ship, trumps up a false criminal charge against them, and has them committed to prison. The Agent attends to this class of cases the moment his attention is drawn to them, and succeeds in nearly every case in obtaining their release. When it is requisite that their cases should be sent to court, he sees that they are returned at once, and endeavors to protect them as far as he can. The Court always looks with favor upon such cases, and lends its influence to the efforts of the Agent in procuring their discharge.

The Agent would also respectfully call your attention to the necessity of making an effort to provide, through the Legislature, some safe Asylum for the treatment and detention of the criminal insane. Such an Asylum is badly needed. A prison, in consequence of its inadequate accommodations and want of proper medical facilities is certainly, no place to confine such criminals. The Board of Inspectors of the Philadelphia County Prison, in their Annual Report for 1867, refer especially to the case of Newton Champion, an insane convict, who is in the Prison under sentence of death. They say:

"Newton Chapion, sentenced to be hung, December 1st, 1866. After his sentence, there being grounds for the belief that he was insane, Governor Curtin appointed a commission of medical experts to inquire into the question of his lunacy; and upon their report in the affirmative, the Governor refused to sign his death-warrant. His mental condition is apparently now the same as at the time of his examination by the commission."

Champion is still confined in the County Prison, and continues insane, being frequently very violent. The Grand Juries, in their presentments during the past year, have frequently called the attention of the Court to his case, but all efforts made, have thus far failed in ameliorating his condition.

His Excellency Governor Geary, in addition to the appointment of your Agent to visit the different Prisons of the State, with a view to ameliorate the condition of the inmates, also appointed Mr. Mahlon H. Dickinson, to visit the Prisons and inspect them, and report upon their condition. The selection was a good one. Mr. Dickinson is a gentleman of energy, benevolence, and large experience, eminently qualified to perform all the duties appertaining to such a position. He has just sent to the Governor his Annual Report, in which he calls the attention of the Executive to the necessity for some institution where the insane can be properly cared for and treated. His report is a valuable one, and replete with reformatory suggestions which cannot fail to be productive of good.

There are, at the present time, confined in the Philadelphia County Prison, six persons under sentence of death. In each of these cases the Governor has evinced a disposition not to sign their death-warrants. This leaves these unfortunate prisoners without the certainty of their imprisonment's terminating, save with death. The Governor, in his last Annual Message to the Legislature, uses the following language in reference to them.

"There are confined in the Philadelphia County Prison the following named convicts, under sentence of death, for whose execution warrants have not been issued: Edward Ford, sentenced May 12, 1861; Jerry Dixon, May 30, 1863; Patrick Finnegan, February 9, 1863; Newtown Chapion, December 1, 1866, and Alfred Alexander and Hester Vaughn, July 3, 1868. Successive Governors, for satisfactory reasons, have declined to order the execution of these persons. The law requires that they shall be executed in accordance with the sentence, unconditionally pardoned, or held in close confinement in the County Jail during life. The latter punishment, with the additional embitterment constantly preying upon the mind that a death-warrant may at any moment be issued, is, perhaps, the severest that could be inflicted. It would be both just and merciful to give the Governor authority to commute the sentence of death in the above named cases, to imprisonment, at labor, in the Penitentiary, for such a term of years as ameliorating circumstances may seem to justify and demand. One of the convicts named has been imprisoned about eighteen years, and, although it might not be advisable to set him at liberty, humanity and a sense of justice require the commutation of his sentence in the manner suggested."

The suggestion made by the Governor, in this particular, is an admirable one, and should be carried into effect.

## MORAL INSTRUCTION.

The moral instruction on the Sabbath day, under the direction of the Agent, continues to be satisfactory to the prisoners. This is mainly attended by the Association of Methodist Local Preachers, and, occasionally by Ministers of other denominations, who are attentive, and render efficient services. During the past year one of the most faithful and active of these latter, the Rev. Thomas G. Allen, of the Episcopal Church, was called home to enjoy that rest prepared by God for those who, on this earth, have faithfully served him. Mr. Allen, although at quite an advanced age, was always at his post at the appointed time, despite all kinds of weather, and by his ministrations effected a large amount of good. He will long be missed by those who were in the habit of hearing his discourses, and who experienced his kind words of counsel in their cells.

It is gratifying to the Agent to know that he still continues to have the confidence of the Court, and he is grateful for the courtesy and kindness shown him by the Judges, District Attorney, and the Inspectors of the Prison.

The kindness and courtesy of our newly elected District Attorney, Furman Sheppard, Esq., are such as to command from the Agent the highest respect for his disinterested and liberal compliance with the numerous applications which the Agent has made for the liberation of prisoners. Thus far, he has not, in any one instance, refused to consent to the settlement of a case, whenever he could do so consistently with the public interest. In all cases, he requires the Agent to give a written history of the case, with the reasons why mercy should be shown to the prisoner. In this way he properly places the responsibility upon the Agent.

While the Agent feels grateful for the many mercies, blessings, and benefits which he has received from a kind Providence, he is fully conscious of his short-comings and inability to do all that he should do, to become in every way acceptable.

In conclusion, he desires to say, that he is not without the hope of having the Divine guidance in all his acts and doings, in the many efforts he shall be permitted to make to benefit his fellow men, and in doing all that may be in his power to relieve suffering humanity as he finds it before him, from time to time. At the same time he feels fully conscious that whatever he may be enabled to do, will be, at best, imperfectly done, but he sincerely hopes that it will be done with an "eye single to the glory of God."

With a sincere desire that the above may be satisfactory, I have the honor to be,  
Very respectfully,

WILLIAM J. MULLIN,  
*Prison Agent.*

**SCHEDULE.**

*Showing the number of cases discharged from the Philadelphia County Prison, from January 1st, 1868, to January 1st, 1869, through the interference of WILLIAM J. MULLER, Prison Agent, their further detention not being deemed necessary, as it did not appear, upon investigation, that they were guilty of the offences which they were accused of, or if so, as was the case in some instances, the punishment they had already received being regarded as sufficient.*

| OFFENCES.                     | January. | February. | March. | April. | May.  | June. | July. | August. | September. | October. | November. | December. | TOTALS. |
|-------------------------------|----------|-----------|--------|--------|-------|-------|-------|---------|------------|----------|-----------|-----------|---------|
| Abuse and threat.....         | 5        | 7         | 6      | .....  | 11    | 8     | 26    | 45      | .....      | 2        | 29        | 28        | 165     |
| Adultery.....                 | .....    | .....     | .....  | .....  | ..... | ..... | ..... | .....   | 2          | 1        | .....     | .....     | 3       |
| Arson.....                    | 1        | .....     | .....  | 1      | 1     | 1     | ..... | .....   | .....      | .....    | .....     | .....     | 4       |
| Assault and battery.....      | 20       | 5         | 6      | 21     | 17    | 19    | 29    | 28      | 42         | 26       | 34        | 28        | 275     |
| Assault and threats.....      | 5        | .....     | 9      | 2      | ..... | 14    | ..... | .....   | 37         | 26       | .....     | 10        | 103     |
| Bigamy.....                   | .....    | .....     | 1      | 1      | ..... | ..... | ..... | 1       | .....      | .....    | .....     | .....     | 3       |
| Concealed weapons.....        | 2        | .....     | 1      | .....  | 1     | ..... | ..... | .....   | .....      | 1        | .....     | .....     | 6       |
| Disorderly House.....         | .....    | 3         | 2      | .....  | 3     | ..... | 2     | 2       | 4          | 3        | 4         | 3         | 26      |
| False Pretences.....          | .....    | 2         | 2      | 1      | ..... | 3     | 1     | 6       | 3          | .....    | 2         | 2         | 22      |
| Fornication and bastardy..... | .....    | .....     | 1      | .....  | 1     | ..... | 1     | .....   | .....      | .....    | 1         | .....     | 4       |
| Indecent exposure.....        | 2        | 2         | .....  | .....  | ..... | 2     | 3     | 3       | .....      | 3        | 1         | 1         | 17      |
| Infanticide.....              | .....    | .....     | .....  | .....  | ..... | ..... | 1     | .....   | .....      | .....    | .....     | .....     | 1       |
| Larceny.....                  | 3        | 5         | 2      | 4      | 12    | 8     | 19    | 13      | 7          | 5        | 20        | 23        | 121     |
| Malicious mischief.....       | 2        | 4         | 2      | 4      | 1     | 9     | 10    | 1       | 2          | 1        | 5         | 4         | 45      |
| Misdemeanor.....              | 30       | 36        | 22     | 48     | 59    | 65    | 105   | 97      | 91         | 55       | 73        | 78        | 759     |
| Peddling without license..... | .....    | 2         | .....  | .....  | ..... | ..... | ..... | .....   | .....      | .....    | 1         | 1         | 4       |
| Riot.....                     | 1        | 3         | .....  | 11     | 3     | ..... | ..... | .....   | 1          | 1        | 5         | 1         | 28      |
| Robbery.....                  | 1        | .....     | .....  | .....  | ..... | ..... | 2     | .....   | .....      | 2        | .....     | 2         | 5       |
| Slander.....                  | .....    | .....     | .....  | .....  | ..... | ..... | ..... | .....   | 1          | .....    | .....     | .....     | 1       |
| Wife desertion.....           | .....    | 1         | .....  | 3      | 1     | ..... | 1     | .....   | .....      | 2        | 2         | 2         | 12      |
| Totals.....                   | 72       | 70        | 54     | 96     | 110   | 129   | 200   | 196     | 190        | 125      | 178       | 183       | 1603    |

**HOMICIDES.**

|                            |    |
|----------------------------|----|
| Convicted in 30 years..... | 36 |
| Executed " ".....          | 12 |
| Pardoned " ".....          | 9  |
| Released by the Court..... | 3  |
| " " death.....             | 4  |
| Still in prison.....       | 6  |

We give the following as taken from Governor Geary's Annual Message to the Legislature, for the year 1868:

*TABULAR STATEMENT of the number of pardons, remissions of fines, and forfeited recognizances. (with the yearly average,) restorations to citizenship, and death warrants issued from the year 1791 to 1868, inclusive, together with the names of the Governors by whom they were issued.*

| Years, inclusive.      | No. of years. | Pardons and remissions. | Yearly average. | Death warrants. | Restorations to citizenship. | By whom issued.      |
|------------------------|---------------|-------------------------|-----------------|-----------------|------------------------------|----------------------|
| From 1791 to 1799..... | 9             | 1,188                   | 132             | 10              | .....                        | Thomas Mifflin.      |
| " 1800 to 1808.....    | 9             | 1,909                   | 212             | 10              | .....                        | Thomas M'Kean.       |
| " 1809 to 1817.....    | 9             | 1,555                   | 172             | 6               | .....                        | Simon Snyder.        |
| " 1818 to 1820.....    | 3             | 1,304                   | 434             | 6               | .....                        | William Findlay.     |
| " 1821 to 1823.....    | 3             | 787                     | 262             | 4               | .....                        | Joseph Hoister.      |
| " 1824 to 1829.....    | 6             | 821                     | 136             | 7               | .....                        | John A. Shultz.      |
| " 1830 to 1835.....    | 6             | 502                     | 83              | 8               | .....                        | George Wolf.         |
| " 1836 to 1838.....    | 3             | 481                     | 160             | 6               | .....                        | Joseph Ritner.       |
| " 1839 to 1844.....    | 6             | 725                     | 120             | 14              | 57                           | David R. Porter.     |
| " 1845 to 1848.....    | 4             | 327                     | 81              | 11              | 35                           | Francis R. Shunk.    |
| " 1849 to 1851.....    | 3             | 878                     | 126             | 6               | 29                           | William F. Johnston. |
| " 1852 to 1854.....    | 3             | 326                     | 108             | 11              | 37                           | William Bigler.      |
| " 1855 to 1857.....    | 3             | 161                     | 53              | 8               | 37                           | James Pollock.       |
| " 1858 to 1860.....    | 3             | 216                     | 72              | 12              | 34                           | William F. Packer.   |
| " 1861 to 1866.....    | 6             | 763                     | 127             | 18              | 1                            | Andrew G. Curtin.    |
| " 1867 to 1868.....    | 2             | 172                     | 86              | 10              | 1                            | John W. Geary.       |
| Totals.....            | 78            | 11,615                  | 149             | 147             | 231                          |                      |

We give the following article, as taken from the Annual Report of the Prison Society, for 1868; as it is from the pen of the Honorable Joseph R. Chandler, an Inspector, who gives his whole time to the inspection and management of the Prison, it will be appreciated, as it comes from one who fully understands the labors of the Agent:

#### "THE AGENT.

"We have of late years made a regular reference to the labors of the Agent of this Society, Mr. William J. Mullen, and as we are now referring to what the Society has done, we necessarily refer to the doings of the Agent, who works in the name and on behalf of the Society.

"Mr. Mullen has for many years past published a regular statement of the results of his efforts, direct and personal, to meliorate the condition of prisoners. And some instances have been given in our Journal of his successful efforts, but where he reports from twelve to fifteen hundred cases each year, it would be impracticable to attempt to present all these cases. But we refer to them now as connected with, and a part of the means of this Society for reaching the object in its title. And we wish to add that we do not see how this or any other Society of the kind could effect its object without just such an agency. Prisons may receive modification in form, and entire changes in administration, according to the views of men of true social science, without at first affecting the condition of the prisoner. While discussions are going on with regard to the position, size and number of cells; while commissions and committees traverse States to make inquiry as to the best mode of disposing of the convict; while county functionaries look grave over the additional cost of taxation, to pay for, and maintain the prisons; while the philanthropist discusses the question of separate or social confinement, or the relative value of the Pennsylvania and the Irish system, the poor prisoner, in whose behalf philanthropy has raised these inquiries, needs some medium between him and the world without, by which he may secure a fair trial—or if convicted, be made to feel that there is *hope* beyond the sentence, and that the opening of the prison door for his egress, is not also to admit him to the haunts of vice. The Agent is needed here. But a part of the County Prison is crowded with persons charged with offences of a character just sufficient to keep them in control of the magistrate, their imprisonment affords a personal enemy a chance to use their absence to their disadvantage, while he gratifies a bad feeling of hatred, jealousy or envy. Hundreds of women are every year committed to the Prison on charges of assault, of threats, of abuse, made by persons who are themselves the offenders, and who make the charge 'on oath,' merely to place their victim in a position where she cannot begin the suit.

"Children are thrown into prison to prevent them from bearing testimony against their prosecutors. Wives are thrown into the cells because they give vent to their feelings, outraged by the presence of another woman, brought into the house to share their loaf and occupy their bed. And some even are 'sent below' to prevent exposures which their unexpected return might cause.

"The heart-wrung mother comes down to the County Prison to search

for her erring daughter, gifted with poverty and beauty—and fears to find that for which she looks—she too often finds her there. ‘And worst of all and most to be deplored,’ the young daughter missing for a night her widowed mother, comes and finds *her* the inmate of a cell.

“The convict too, has interest abroad, some little claims for wages, some small depository of clothes, some pawn tickets for dresses or ornaments, pledged for the necessities of life.

“Here is work for an ‘Agent.’ It is not difficult to see, that with judgment, prudence, and perseverance, the condition of most of those to whose state we have referred, may be greatly ameliorated. Those who watch the labors of the Agent know how extensively and how heartily that work has been done.

“The Society in doing justice to the masterly efforts of Mr. Mullen, takes to itself a portion of the credit to which his labors are entitled—because his office is a part of the plan of the Society, and a devised means by which the work was to be performed. The manner, persistent and thorough, in which the Agent has done the work, is Mr. Mullen’s claim to consideration.

“We repeat now what we have had occasion to say more than once. That while we stand astonished at the nefariousness of some acts which Mr. Mullen has, by investigating prison cases, disclosed, and the personal and social benefits that have resulted from his interference, there are small cases that have received the careful and successful attention of the Agent, which are so limited in their influence upon any but the mere sufferer, that they are not reckoned of importance sufficient for a ‘report,’ and yet their settlement has brought peace and consolation to a distressed family, and in more than one instance has snatched from the brink of utter ruin, the young female who has chafed at home authority, or has wandered away without special motives, and then has placed her where the better instincts of her sex could be directed by the best influence of religion.”

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We give the following as taken from the Annual Report of the Prison Inspectors of the Philadelphia County Prison :

“The services of the Agent, Mr. W. J. Mullen, have been eminently useful and acceptable in the performance of the peculiar duties which devolve upon him. The Board has undiminished confidence in the integrity and zeal with which the delicate and responsible functions of his office are performed.”

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Of the very many letters received within the year from good men, that are of an encouraging character, there is one from an old friend, Hon. Eli K. Price, which is fully appreciated by the Agent, particularly so as he has at all times taken a lively interest in the benevolent and reformatory institutions of our city. He is one who has done more towards consolidating the city and its institutions upon a firm basis than any other man of our day. And this he did, not only when a Senator, but has continued to do so, as a good citizen who is beloved by all whose privilege it is to know him.

The following is his letter to the Agent :

TO WILLIAM J. MULLEN.

I have received your note, with your Annual Report as Prison Agent, on the 14th instant. As you say, I had known you, years before your official agency, as one actively engaged in the discharge of duties to humanity, much the same as since your appointment. Then, and always since, I have highly appreciated your services, and ever felt thankful to you for them. They have been of a kind that very few others could or would assist you in performing, and without your aid, thousands would have no friend to assist and rescue in misfortune, often undeserved.

I know of no greater blessing to the poor and falsely accused, than to know that there is one in this great city, who is their sure friend, and with knowledge of the ways and means, will certainly see them righted. What you alone do, will go far to preserve the character of our community from reproach, and supply the delinquencies of many of us, who are constantly occupied with our business, and public demands made upon our time in other directions.

I add my sincere prayers to those of the many who bestow their grateful thanks upon you, that you may have a long life, and ever the same heart to go about doing good.

I am sincerely your friend,

ELI K. PRICE.

April 30th, 1868.

The Agent having received a letter from Mr. James Black, Esq., President of the State Temperance Society, informing him that his article on "Intemperance, &c," which will be found on page 22, had been received with favor by the State Temperance Convention held at Harrisburg, February 23d, 1869, has deemed it proper to insert a copy of it :

LANCASTER, PA , March 1st, 1869.

WILLIAM J. MULLEN, Esq., *Prison Agent of Philadelphia.*

DEAR SIR: Your valuable paper on "Intemperance, &c," was received by the Convention with marks of satisfaction, and ordered to be printed with the proceedings, and the thanks of the Convention tendered to you for your valuable labors, and hearty earnestness for the "Cause of Temperance."

I think it is proper that you should know this, but fear the Secretaries may overlook their duty in this matter, and hence this note.

Very respectfully,

JAMES BLACK.

In a previous letter, Mr. Black also alluded to the action of the former State Temperance Convention, that adopted an address prepared by your Agent, on the subject of "Temperance," which was published at the expense of the Convention, and used, as he says, "all over the United States, for the benefit of the cause."



## INTEMPERANCE.

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### THE PROLIFIC SOURCE OF HUMAN SUFFERING; THE CAUSE OF THE PRESENT HIGH CARNIVAL OF BLOOD AND CRIME.

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It has sent to our prison one hundred and eighty-two thousand four hundred and forty-nine (182,449) persons, within the last twenty-one years.

The evils of intemperance in this community are so great, that the subject presents itself to us as one well worthy of our attentive and careful consideration. No other subject appeals so strongly to our sympathies as this. When we examine it in its moral, and even political aspects, we are struck with astonishment at the results produced by this growing curse. We have a population in Philadelphia, estimated at over 800,000. Careful inquiry has developed the fact that in our City over 3,850 taverns or drinking houses, pay the license required by law, while more than double that number carry on the traffic in an illegitimate way, without any regard to the requirements of the law. These places, it is fairly to be presumed, do a profitable and paying business, or otherwise, they would soon be compelled to close. The immense amount of suffering, destitution and misery consequent upon the prosecution of this large amount of business, can scarcely be estimated. One fact, however, we do know, which constantly stares us in the face, and that is that one result of the traffic is to fill the prisons and almshouses. More than three-fourths of the inmates of our prisons attribute their fall in life to the use of intoxicating liquors.

Out of the thirty-seven cases of murder which took place in our city this last year, we can safely say that almost every one of them occurred at a time when the murderer was intoxicated. These deeds of blood are unquestionably clearly traceable to the intoxicating cup, containing the liquid draught of poison which maddens the brain and bereaves of reason, and brings a man to a condition which inflames all his angry passions, and leads him to commit acts of violence—acts, the thought of which, had he been clothed in his right reason, would never have entered his mind. This fact puts a fearful responsibility upon the liquor seller, who entices a man to drink.

A visit to the County Prison, upon almost any day in the year, will reveal sights which cannot fail to shock the sensibilities of the most hardened, while, at the same time, they will most powerfully enlist the sympathies of the beholder. There will be seen men, women, and children, whose constitutional conditions are most lamentable—men who have for a long time pursued a career of dissipation and debauchery, until enfeebled and broken down by exposure, poverty and privations, they are brought to swell the number of inmates of the institution. We see them with haggard faces, bearing most unmistakable marks of a long series of indulgences in the fatal cup—with bloodshot eyes, nervous and trembling in every movement of their bodies, and we are sometimes compelled to ask ourselves if these can really be men. The *mania-a-potu*

ward of the Prison is constantly crowded, and the horrible yells of the maniacs continually sounding in the ears of the visitor, while the distorted features and the terrible contortions of the body, present themselves to the alarmed and astonished gaze of the beholder. The scenes in this ward are frightful to look upon; the pale face, the cold sweat oozing from him, the raging fever, the pupils of the eye distorted, flashing fire as it were, the muscles of the body convulsed by violent writhings, occasioned by excruciating pain and high fever—the poor victim confined with handcuffs and strapped down to the floor, the attendants about him necessary to prevent him from beating out his brains against the stone walls of his prison house; the shrinking back into the corner of the cell to escape, as it were, from the horrible visions, of snakes, devils, &c., which pass before his distorted mind, (visions of which seem invariably to accompany this terrible disease,) the horrible screams and yells of anguish which he constantly utters, are scenes which cannot be described; they must be witnessed to be realized; and which once seen, can never be forgotten by the beholder—the torture and suffering betrayed by his countenance, are truly pitiable. The deep and lasting impression of horror which is made upon the mind by such a scene can never be erased.

I have often wished that the rum-seller, who is the cause of all this misery, could be present to witness the result of his terrible doings, in order that he might realize his accountability to his Creator for the great wrong that he has been doing to his fellow man.

When we examine the statistics relating to this subject, we no longer wonder that this should be the case. The amount paid into the State Treasury during the past year, for tavern licenses throughout the State, was \$279,532.72, while the amount paid for beer licenses was \$40,482.63, making a total of \$320,015.35. Of this amount the sum of \$162,476.06 was paid into the Treasury for the City of Philadelphia, alone. When we add to this, the fact that the aggregate sales of wholesale liquor dealers throughout the United States for the year 1867, was \$602,278,050, and that the aggregate sales of retail liquor dealers, for the same year, reached the enormous sum of \$1,483,491,685, or more than one-half of the aggregate sales of retail dealers of all classes of merchandise in the United States. Our wonder is, not that intemperance has produced such results, but rather that the evils are not more manifest and alarming. Besides, of all the large quantities of liquor sold throughout the country, hardly one glass out of one hundred is pure; the great majority sold is adulterated with the most poisonous substances, such as oil of bitter almonds, oil of cognac, fusil oil, oil of cubebs, oil of juniper, and other deleterious abominations. Most of these ingredients are deadly poisons, and yet the liquor drinker is constantly pouring them down his throat, to the great and lasting injury of his whole physical system. The liquor sellers are the best patrons of the druggists, being dependent upon them for the drugs used in manufacturing their vile trash. But recently in New York, samples of liquor were purchased at the most fashionable restaurants, for genuine brandy, (of the kind which is sold for from fifty cents to one dollar a glass,) which samples were tested by a scien-

tific and practical chemist, and found to be the commonest sort of liquor, adulterated with some poisonous drugs to give it body and consistency. And yet with all these facts before them and staring them in the face, thousands in the community continue in the habitual and unrestricted use of them.

The liquors that are drunk in our city should be analyzed, and the poisonous substances exposed. This degrading traffic is increasing amongst us yearly; families, through its pernicious influence, are broken up; husbands, fathers, mothers and wives go down, daily, into drunkards' graves, the deepest ever dug for man.

Ignorance and drunkenness are the real causes of misery in the world. The last, however, is immeasurably worse than all others combined; for such are the benumbing, stultifying and crazing effects of inebriating drinks, that they change a man of reason and feeling into a brutalized monster; hence it is that "the knife, the dagger, the bludgeon and the pistol are in such frequent use, and in the domestic circle, cruelty to children, wife beating, and in many families at home, horrors of every kind." This is lamentably true; which is proved beyond all contradiction, by the cases that have of late consumed nearly all of the time of our Courts, and shows society at large in this city to be in a humiliating, alarming, and dangerous condition. The murderers of the Byrnes, McKieve, Heenan, Martin, Colonel Riddle, and others, were drunk; and had it not been for rum, they would now be living. As fast as the Court disposes of one case of assassination, strong drink or whiskey furnishes another. How long is this to last? Sad picture indeed; and we fear will remain so, so long as this apathy exists.

We are met on every side by spectacles of the most affecting kind. Our daily experience presents to us so many cases of suffering innocence, of youthful hopes blighted in the bud, of old age rendered miserable, and of families scattered through this terrible evil, that we must be convinced more and more every day, that the welfare of our country imperatively demands that the traffic should be done away with, and an opportunity offered to the youth of our land to grow up free from its pernicious influence.

There are persons who idle away their time, and who seem to live in the places where intoxicating liquors are sold, and in the prison, and as a natural consequence find their way to the Almshouse. This is the unhappy result of this iniquitous business, that sends forth into the world an average of three drunkards per day from each establishment where intoxicating liquors are sold. These poor victims while reeling and staggering along through the streets to their homes (should they get there), where all are to be made miserable by their presence, a disgrace to themselves and to the community; where they do not do this, they are picked up by the police and brought to the prison, too often to suffer and to die. The whole number of these dens of iniquity in our city of Philadelphia is computed to be seven thousand seven hundred, of which number there are but three thousand eight hundred and fifty that have obtained license. Their average crop of drunkards

per day, is 23,100, who are sent forth to corrupt the community and violate our laws. Of 36,333 who were arrested within the year, there were 17,620 who were sent to prison. They were there incarcerated at the expense of the public, for the protection of society. All along our streets we see a continuous line of gilded drinking saloons, to ensnare, fascinate, and delude the youth of our fair city, and persons of all grades of society, young and old, going in and out. We see the youth, we see the young man with his manhood gone; we see the middle aged, and the old man pouring down the liquid fire as though it were meat, drink, and clothing to them. We see on the street, the youth with reason dethroned; the young man with his manhood gone; the middle aged with reason terribly shattered, and the old man staggering and reeling into the gutter. Then again; we see the young men with their broadcloth overcoats, and their shiny silk hats above their intelligent-looking faces, reeling and staggering along the street in broad daylight; and even worse than this at other times, and who think it to be the very acme of manliness to say to some smooth faced companion, "Let's take something." And they take, going home to render a sister's or a mother's heart sick with the dread of what may be, and how often will be, and what is, but a sad reality of misery. Our good citizens should rise up as one man and demand of the Legislature at once, to do something to stop this stream of hell—protect us as a community against this growing evil, which could be done by the passage of a prohibitory liquor law that would forever abolish the use of intoxicating liquors as a beverage, and at the same time, making it a crime that should be punished by fine and imprisonment for any person who should violate this law.

The great majority of people have for a long time been content to regard intemperance as a strangely fascinating or a strangely horrible vice; most of those who indulge in this vice imagining that it transports to realms of ideal bliss, unsurpassed by all that poets ever penned or dreamed—inducts into reveries that cast into the shade all promises of an oriental paradise; while all have undefined and undefinable conceptions regarding it. It is notorious that the vice of intemperance is on the increase. The Rev. Newman Hall, states that thirty thousand members are excommunicated, annually, from an English Church for intoxication.

A statement having recently been published, that many in full membership in the churches of a religious denomination were engaged in keeping saloons for the sale of intoxicating drinks; the highest judicature of that denomination decided that the Church "must purge herself of all participation in the sin, by removing from her pale all who are engaged in the sale or manufacture of intoxicating drinks for use as a common beverage."

It should be understood that no man *continues* a drunkard from choice; he sooner or later becomes the veriest slave; and it is the object of this article, to endeavor to deter neophytes—to warn them from submitting themselves to a yoke which will bow them to the earth. In the hope that it may subserve the good proposed, I venture to give a short account of the experience of a prisoner who was an habitual drinker, as

narrated to me by himself; of one who had reformed, but still felt in his tissues the yet slowly smouldering fire of the furnace through which he had passed; of one who had discovered that the idol which he loved and worshipped so, was a poor mean thing "with feet of brass and front of clay." He said to me "I first partook of intoxicating liquors about twelve years ago; a late able writer has observed that there are certain men to whom liquor is as 'fire to tow'; of these it turned out that I was one. I continued taking liquor, each day one or two glasses. One day I exceeded my allowance and drank ten or twelve glasses; after drinking, my blood seemed to make music in my veins, as it seemed to come, more highly oxygenized, singing to my brain, and tingled fresher and warmer into the capillaries of the entire surface, leaping and bubbling like a mountain brook after a shower. For a while, I could not realize the cause. At last, as with a lightning flash it came—it was the stimulant that linked me with misery. For two years longer I continued to drink constantly, and I could, at the termination of that period, drink fifteen or twenty glasses a day. All that time my appetite, though not actually destroyed, was capricious in the extreme; though I did not lose flesh, at least not markedly so. During all this time, also, I continued in high animal spirits, and the stimulant seemed to me the ladder that led to the gates of heaven; but alas! for me, when I reached the topmost round, my wings were burnt, the goal receded, and crushed by my own folly, I fell, and saw beneath me a fathomless abyss too surely mine; a pit purchased by my own blood, dug by my own hand. I gradually eased off then the use of the stimulant for about three months, but with the greatest difficulty and suffering to myself. I was seeking for employment; at the end of that time I obtained it, and had almost forgotten the taste of liquor; but I found I was only respited, not redeemed. Two months after I entered upon the duties of my situation the appetite was renewed and I felt a craving for liquor. After two months, in which I indulged in the use of all kinds of stimulants, I finally settled on whiskey as being the most powerful of them all. I then went headlong back to my old career. I began with one glass a day, and for the six months, ending the last day of November, my daily quantum was thirty or forty glasses, and I could no more have avoided putting into my body this daily supply, than I could have walked over a burning ploughshare without scorching my feet. If I tried to break through the habit, a few hour's deprivation of the stimulant gave rise to a physical and mental prostration that no pen can adequately depict, no language convey." A horror unspeakable, a woe unutterable takes possession of the entire being; a clammy perspiration bedews the surface, the eye is stony and hard, the tremulous hand uncertain, the mind restless, the heart as ashes, the bones marrowless.

To the liquor drinker, when deprived of his stimulant, there is nothing that life can bestow, not a blessing that man can receive, which could not come to him unheeded, undesired, and be a curse to him. There is but one all absorbing want, one engrossing desire, his whole being has but one tongue—that tongue syllables but one word—Whiskey. He is its slave. Place before him all that ever dazzled the sons of Adam since the

fall—lay sceptres at his feet—and all the prizes that vaulting ambition ever bled and died for; unfold the treasures of the earth and call them his—wearily, wearily will he turn aside, and barter them all for a little more rum. And oh! the vain, vain attempt to break this bondage, the labor worse than useless—a minnow struggling to break the toils that bind a Triton. I pass over all the horrible physical accompaniments, as I have seen them in many cases, that accumulate after some hours deprivation of the stimulant, when it has been long indulged in, it being borne in mind that it occurs sooner or later according to the constitution it contends against. The slightest mental or physical exertion is almost a matter of absolute impossibility, and the victim is no more capable of controlling, under this condition, the cravings of the system for its stimulant, for the time, by any exertion of the *will*, than he can control the dilation and contraction of the pupils of the eye, under the varying conditions of light and darkness. A time arrives when the will is killed absolutely and literally; and at this period you might, with as much reason, tell a man to *will* not to die under a mortal disease, as to resist the call that his whole being makes, *in spite of him*, for the stimulus on which it has been so long depending for carrying on its work. When you can with reason ask a man to aerate his lungs with his head submerged in water, then, and not till then, speak to a confirmed drinker, while under this influence, of “exerting his will;” reproach him with want of “determination,” and complacently say to him, “cast it from you and bear the torture for a time;” tell the Ethiopian to change his skin, but do not mock the misery and increase the agony of a man who has taken this stimulus for years, by talking to him of “will”. Let it be understood that after a certain time, (varying of course, according to the capability of physical resistance, mode of life, &c., of the individual), the craving for liquor is beyond the domain of the will; the desire for it is automatic—is entirely involuntary; they believe there is a physical necessity for it. And it is just here that the magnitude of the evil, and the horrible thralldom is centred. This bodily necessity is quite a distinct and separate feeling from that which might be termed the mental call, which dominates certain temperaments, when liquor is first indulged in. So intolerant is the system under a protracted deprivation, that I know of many suicides resulting therefrom. The awful mystery of death which they rashly solved, had no terrors for them equal to a life without liquor, and in the morning I have found them hanging by the neck, dead in their cells, glad to get “anywhere, anywhere, out of the world.” I have seen others tear their hair, dig their nails into their flesh, and with a ghastly look of despair, and a face from which all hope had fled, implore for it as if for more than life. Having digressed somewhat from the narrative of the prisoner alluded to, I will now return to what he said: “I attained at last to taking at least thirty or forty glasses a day; it became my bane and antidote. Finally, even forty glasses brought no perceptible increase to the vitality of which the body seemed deprived during its absence. It stimulated me to not one-tenth of the degree to which a single glass had done at the commencement. Still I had to keep storing it upon my body, trying to

extract vivacity, energy, life itself, from that which was killing me; and grudgingly it gave it. To go on was death, horrible and debased; to stop was worse than death, worse than the tortures of the damned. I tried hard to free myself, tried again and again, but never could at any time sustain the struggle for more than four or five days at the utmost. At the end of that time I had to yield to my tormentor—yield, broken, baffled, and dismayed—yielded but to go through the whole struggle again; forced to poison myself, forced with my own hand to shut the door against hope. Under the stimulating effects I was ever *about* to do, and yet never achieving. I was, in truth, a walking shadow. I came at last to feel that it was but tracing characters in the sand—that the waves would soon pass over them and me, and ‘no man see me more.’ With an almost superhuman effort, I roused myself to the determination of doing something—of making one last effort, and if I failed, to look my fate in the face. I will not tell you of my struggles, nor speak of the hope I had to sustain me, and which shone upon me whenever the face of my Maker seemed turned away. Let it suffice that I fought a desperate fight; again and again I recoiled, baffled and disheartened. But I persevered, and I have come out of the *melée*, bruised and broken, it may be, but conquering. One month I waged the fight, and it has now been over six months since I tasted the accursed stuff. Now I am free, and the demon is behind me.”

Let no man rashly cast a stone at the intemperate, and think of him as a being unworthy of sympathy. If he is not to be envied, (as God knows he is not) let him not be too much condemned. I refer now more particularly to the ordinary cases of educated and intellectual men in the world, and I assert, as the result of my observation, that could there be a realization of all the aspirations, all the longings after the pure, the good, the noble, that fill the mind and pervade the heart of a cultivated and refined man, who can yet continue to drink liquor, he would, indeed, be the paragon of animals. And I go farther, and say, that given a man of cultivated mind, high moral sentiment, and a keen sense of intellectual enjoyment, blended with strong imaginative powers, and just in proportion as he is so endowed, will the difficulty be greater in weaning himself from it. I mean, of course, before the will is conquered. When that takes place he is, of necessity, as powerless as any other victim, and his craving for it is as automatic as that of any other slave to strong drink. This it is to be a drunkard, and the boldest may well quail at the picture, drawn not by the hand of fancy, but by one who has witnessed all its horrors, and heard them described by the victims to the full, and who has found that the staff on which they leaned has proved a spear which has well nigh pierced them to the heart. Who, knowing this, will fail to raise his voice against forming a compact with the demon, the penalty for which transcends in horror all the legends ever penned of souls sold to the devil. Let no man believe he will escape; the bond matures at last. He finds himself in the toils and the siren sings no more; the stimulant must be taken still, but its sweetness has flown. Well may one thus trapped in this hell upon earth, apply the words described by Danté, as written over the gates of hell, in eternity, “Abandon hope, all ye who enter here!”

The whole number of cases of *mania-a-potu* in our Prison within the year, were ninety, eleven of whom have died. There was one of them who recovered, but whose sufferings were so great that he had not slept for eight days, although he had received heavy doses of morphine, and he could not even then be got to sleep until the Physician gave him seventeen ounces of laudanum, which he took in a single day.

The total number of persons committed in consequence of drunkenness, during the same period, was 12,833.

I may say in this connection, that my observation has convinced me that intemperance, which is the direct cause of more than three-fourths of all crime committed, is by no means as prevalent among the colored population of our city, proportionally, as it is among the whites. We would again allude to what we have previously stated, by saying, that crime amongst this class of people has greatly diminished during the last few years, while on the contrary, it has increased during the same period among the whites. By a reference to the following statement, it will be seen that, during the first five years, the number of whites convicted was one thousand six hundred and eighty-six (1,686), and during the last five years, the number of whites convicted was one thousand eight hundred and eighteen (1,818), showing an increase of one hundred and thirty-two (132). During the first five years the number of blacks convicted was four hundred and eighty-seven (487). During the last five years the number of blacks convicted was four hundred and four (404), showing a decrease of eighty-three (83).



TABLE.

*Showing the number of persons committed to the Philadelphia County Prison for drunkenness, upon the charges of vagrancy, disorderly conduct, and breaches of the peace, annually, since January 1st, 1847, classified according to sex and color.*

| YEAR.   | WHITE.  |          | COLORED. |          | TOTALS. |
|---------|---------|----------|----------|----------|---------|
|         | MALES.  | FEMALES. | MALES.   | FEMALES. |         |
| 1847    | 1275    | 632      | 817      | 528      | 2,752   |
| 1848    | 1437    | 519      | 225      | 389      | 2,620   |
| 1849    | 1740    | 709      | 276      | 382      | 3,107   |
| 1850    | 2513    | 1119     | 379      | 546      | 4,557   |
| 1851    | 4012    | 1590     | 534      | 782      | 6,918   |
| 1852    | 4088    | 1585     | 530      | 645      | 6,848   |
| 1853    | 4365    | 1866     | 486      | 644      | 7,361   |
| 1854    | 3785    | 1559     | 316      | 388      | 5,948   |
| 1855    | 5791    | 2100     | 385      | 351      | 8,577   |
| 1856    | 5529    | 2098     | 344      | 325      | 8,296   |
| 1857    | 4806    | 1859     | 365      | 362      | 7,392   |
| 1858    | 4740    | 1818     | 293      | 298      | 7,149   |
| 1859    | 6697    | 2758     | 489      | 427      | 10,321  |
| 1860    | 9599    | 3937     | 513      | 497      | 14,541  |
| 1861    | 6979    | 3341     | 452      | 461      | 11,233  |
| 1862    | 5002    | 3650     | 531      | 472      | 9,655   |
| 1863    | 6407    | 4181     | 547      | 531      | 11,666  |
| 1864    | 4930    | 3519     | 261      | 411      | 9,121   |
| 1865    | 6077    | 3119     | 311      | 408      | 9,915   |
| 1866    | 8302    | 3397     | 609      | 347      | 12,655  |
| 1867    | 8169    | 3619     | 559      | 350      | 12,697  |
| 1868    | 6035    | 2518     | 425      | 242      | 9,220   |
| Totals. | 112,228 | 51,493   | 9,047    | 9,686    | 182,449 |

Among the cases released:

NUMBER 1.—Was that of a woman who had been committed to prison upon the charge of abuse. Her offence consisted in finding fault with the prosecutor for being instrumental in causing the death of her, the prisoner's husband. He had been

badly beaten on a Monday, and was kept concealed in the prosecutor's house until the following Saturday without necessary food, nursing, or medical attendance. The prisoner went repeatedly to the house and asked to see him, but was constantly told by the prosecutor that he was not there. On the following Saturday, when he was found to be in a dying condition, he was removed to the hospital, where he died in consequence of the injuries received, and the want of timely medical treatment. When the woman learned that her husband was dead, she became much excited, and blamed the prosecutor for secreting him and preventing her from seeing him before he died. For this she was arrested and committed to prison upon the charge of abuse. As the Agent was present at the hearing and heard all the evidence, he procured her immediate discharge from prison, which enabled her to attend to the interment of her murdered husband, and have those persons prosecuted who had caused his death and her imprisonment.

**NUMBER 2.**—Was the case of a boy who had been committed to prison upon a charge of larceny. The Agent saw that a nol. pros. was entered in Court with the consent of the District Attorney, upon the payment of \$3 50, the usual Court charges for the Clerk and District Attorney. The magistrate had asked \$10 for merely recommending the settlement of the case. The boy's mother being poor, and unable to pay this amount, the Agent had the case settled without the magistrate's recommendation, and without paying him anything. This was an interesting case. The boy's father was a barber, doing a good business and maintaining his family comfortably, until he was attacked by consumption. When he was unable to work, his customers agreed that his wife should shave them in his stead, and thus, with the aid of her son, she managed to support herself, her sick husband, and her children. She was very grateful to the Agent for promptly procuring the boy's release at but little expense. Her son got into difficulty by conversing with a boy who had stolen a piece of flannel, for which they were both arrested. As the prisoner's previous character had been good, there was no difficulty in having his case settled.

**NUMBER 3** —Was the case of a woman who had been committed to prison, charged with arson. An investigation by the Agent showed that she was entirely innocent of that offence. She was at home with her children and engaged in ironing her clothing, when her drunken husband, with a lighted pipe in his mouth, came towards her to strike her. The fire from the pipe fell upon the clothing and set fire to it. She immediately put out the fire and prevented her clothing from being burnt up. While she was doing this, her husband struck her, and her little daughter becoming alarmed on her mother's account, cried, "murder!" The police arrived and arrested the mother instead of the father, the really guilty party, and the cause of all the mischief. This poor woman was then committed to prison with her infant in her arms, and her little daughter was left to the mercy of the neighbors. The father immediately sold all the furniture, and even the clothing of his wife, and commenced spending the money for rum. The Agent communicated the facts to the Fire Marshal, and the District Attorney, upon which her case was ignored with the consent of the prosecutor, and she was discharged. The Agent gave her some money to assist her in her distressed and homeless condition.

**NUMBER 4.**—Was the case of a man who had been committed upon the charge of a misdemeanor in a neighboring county. His offence consisted in retaining money arising from the sale of some picture frames, which money he should have given to his employer. For this he was arrested in Philadelphia and committed to prison, where he remained for three months without any action being taken in his case. He was then tried and acquitted, and his discharge sent to the prison in the care of a person who was interested in his case. This person was told by the Deputy Superintendent that there was a bill against the prisoner amounting to forty dollars for his board while in prison. The person went away promising to return the next day to attend to the settlement of the bill, and the prisoner's release. He did not return, and the prisoner remained there two months longer, in all five months, during which he was unnecessarily and improperly imprisoned at the cost of the tax-payers of Phila-

delphia, simply to gratify some one in a neighboring county who felt little or no interest in the case. Under this state of things, the Agent obtained a writ of habeas corpus, from Judge Allison, which was made returnable on the following day, when the prisoner was discharged with the consent of the District Attorney, who said that the man had been improperly detained.

NUMBER 5.—Was an important case of unusual interest. It was that of an intelligent woman, of prepossessing appearance, who had been committed to Prison, charged with bigamy. Her husband had deserted her, leaving her and their interesting little child, unprovided for, during a period of six years. He enlisted as a United States marine, under a fictitious name, and owing to this, she could learn nothing of him, or his whereabouts. During this long period he never wrote or contributed to the support of herself or their child. After he had been absent for four years, she heard that he was dead. She afterwards married a worthy industrious man, a baker by trade, who was possessed of some property. This person was prospering in his business, in a new neighborhood in the southwestern part of the city, and this was mainly owing to the good management of his wife, who attended to his store and to his money matters, while he was at work in the bakery. In this way they were getting along very happily and comfortably, with their interesting little baby, a few months old, when the long-lost first husband suddenly and unexpectedly returned and claimed his wife and child, who had been so well cared for by the second husband.

The woman refused to go with him, owing to his desertion of herself and child for six years. He then caused her to be arrested and committed to prison, upon a charge of bigamy. The baker refused to allow her to take her baby to prison with her, because, as he said, if she was another man's wife, the baby was his child, and no one else should have it. The Agent saw her, for the first time, in prison. She was in great distress of mind, and suffering intense pain, owing to the condition of her breasts for want of her infant. The Agent immediately went to the second husband, and insisted upon his doing one of two things, either to send her infant to her, or to bail her out, so that she might have access to her child. He replied that he was afraid to do either. If he sent the baby to her he might not be able to get it back, and if he bailed her out, he might be prosecuted for tampering with another man's wife.

The Agent finally persuaded him to procure bail for her, and to allow her and the baby to remain at the house of a friend until the Agent could see the first husband, and ascertain how the difficulty could be adjusted. He was seen, and made to understand that he had acted a most unmanly part towards his wife and child, in deserting them for six years; he was told that this neglect might have driven them to the Almshouse, had not the industry of his wife, and her love for his offspring, induced her to struggle along through great hardship, until she bettered her condition by marrying the baker, who had not only provided for her and his own child, but also for that which he (the first husband) claimed, but which he had so shamefully abandoned. The Agent informed him, that in view of these things, it ill became him, at this late day, to return home and sow the seeds of discord, as his wife and child did not desire to live with him or have any further to do with him. After reflection, he consented that the baker might have his wife, and he would not oppose her obtaining a divorce from him, provided he might be allowed to have his child, an intelligent little boy, whom he promised to provide for and educate. To this they agreed, and all the parties appeared before the Magistrate, where an amicable arrangement was entered into, and reduced to writing by the Magistrate and signed by the parties, preparatory to an application for a divorce. The mother is of the opinion that it will not be long, before he will give the child to her.

Thus the whole difficulty was settled through the interference of the Agent, without the expenditure of any money except a few dollars paid to the Magistrate.

NUMBER 6.—Was the case of a young woman who was accused of stealing a watch-chain from a woman who had employed her as a servant. Upon investigation, the Agent discovered that the prisoner was entirely innocent, and that the chain had been stolen by the sister of the prosecutrix, who had also stolen some clothing be-

longing to the prisoner. After the Magistrate was informed of these facts, the Agent had no difficulty in obtaining the discharge of the prisoner. This case was the more distressing from the fact that the prisoner was separated from her babe, who was then in the care of other persons, who were unwilling to keep it.

NUMBER 7.—Was the case of a woman who had been committed to prison upon a charge of larceny, being accused of stealing some underclothing of the value of twelve dollars (\$12), of which she said that she was not guilty. It appeared, upon investigation, that she was innocent, and that the prosecutrix and three others, had robbed her of \$80, for which she had caused them to be prosecuted. They entered bail, and then one of the party brought the charge against her, under which she was imprisoned. As this was evidently done to prevent her from following up her prosecution against them, the Agent saw the Alderman and the prosecutrix, had the case adjusted, and the prisoner discharged.

NUMBER 8.—Was the case of a poor woman who had been committed to prison, with her infant in her arms, upon the charge of assault. She was also falsely accused of pushing down the gate of the premises where she lived. Upon investigation, the Agent discovered that she had merely effected an entrance to her premises, as she had a right to do. As the baby, which was with her in prison, was sick, and as she had another little child at home, without care, the Alderman consented to her release from prison.

NUMBER 9.—Was the case of a poor woman who had been wrongfully imprisoned. She had four little children depending upon her for support. One of her neighbors came into her house to see her little boy, who was sick. This person, who was drunk at the time, said that the child was suffering from disease in the back. The mother thought otherwise, and this difference of opinion led to hard names and insults, upon which the drunken woman charged the other with assault. The Court ordered her discharge, Judge Peirce taking the Agent for bail, and the woman returned home to take charge of her sick child.

NUMBER 10.—Was the case of a respectable old man, who had been unjustly imprisoned upon the charge of misdemeanor. He had got into the difficulty by renting a room in his house to an intemperate woman. The latter took offence at the prisoner's wife, because she objected to her ironing in the prisoner's kitchen on the Sabbath, and began a regular system of annoyance. In order to end this, they moved away part of their effects, and when the prisoner returned to obtain the remainder of his property the door was fastened against him, and he was under the necessity of forcing it open. For this he was imprisoned at the instance of this troublesome woman, who had succeeded in driving them from their own premises, for which they were then paying rent. As he had a right to force open his own door when he found it fastened against him, the Agent saw the Alderman, and obtained his release from prison.

NUMBER 11.—Was the case of an inoffensive colored boy, eight years of age, who had been imprisoned upon a charge of stealing four cents. He went into a shop to buy a cake, and saw four cents lying upon the counter. No one being present, he was tempted to take them, but, just as he was leaving, the woman who kept the shop saw him and had him arrested. As she insisted upon prosecuting him, the Agent caused the case to be immediately returned to the Court, by the Magistrate. The bill being drawn, the prosecutrix appeared before the Grand Jury, and, strange to say, a true bill was found; but when the case was brought before a jury in Court, the boy was acquitted, and the costs of the trial, amounting to sixteen dollars and fifty cents, (\$16 50), were put upon the County, to be paid by the tax-payers. All this was in consequence of the prosecutrix's having neglected to put her money into the drawer, instead of leaving it upon the counter, a strong temptation to the child.

NUMBER 12.—Was the case of a poor woman who was imprisoned upon the charge of abuse. She had two children sick with the whooping cough. The Agent obtained her discharge from the Court, with the consent of Deputy District Attorney. Her sister was also committed to prison upon the same charge, by the same Alderman. Both were imprisoned at the instance of the Constable at this Alderman's office. One of these woman had been seduced by this officer, as she said, and had a child by him. He desired her to keep quiet and say nothing about it until his wife died, after which he would marry her, if she kept quiet. She complied with his request. Shortly afterwards his wife died and the woman then insisted upon his marrying her, but he told her that he could not, as he had just married another woman. Upon being informed of this, she became very angry, and blamed him for deserting her and her child, and marrying another woman. She then threatened to proceed against him for the support of her child, and it was for this, that he caused her and her sister to be imprisoned on the charge of abuse. She had the baby with her in prison. Her sister was taken from her two children, who needed a mother's care, being sick with whooping cough. All this was done by an Alderman for whom the prosecutor is Constable.

NUMBER 13.—Was the case of a colored man, who was most unjustly imprisoned. He and his wife got into the difficulty by kindly affording a poor woman shelter for a day or two in their house. When they discovered that she was addicted to intemperance, they desired her to leave their premises at once; on her refusing to go, they threatened to put her into the street, and for this she charged them with assault and threats. The Alderman told them that they must pay nine dollars (\$9) costs, or go to prison. They said they could not do this, as they had no money. The Alderman then agreed to take six dollars (\$6) and allow the wife to go and raise the money by pawning her clothing. She was to return by three o'clock, or else be committed to prison as her husband had been. She pawned her blanket for sixty-two cents, went to the Alderman and told him that that was all that she could raise. She says that he then gave her five days more to raise the money, and that if she did not do so by that time, she would be committed to prison. She came down to the prison with her infant in her arms, and informed the Agent of her helpless and penniless condition, in consequence of her husband's being in prison. The Agent told her that he would relieve her from that trouble by becoming bail for her husband's appearance at Court. When the Agent informed Judge Peirce of all the facts of the case, he sanctioned the release of the prisoner, and recommended the Agent to assist in prosecuting the Magistrate for false imprisonment. The Judge is of opinion that the time had come when an example should be made by the conviction of some one of these oppressive Magistrates.

NUMBER 14.—Was the case of a girl only thirteen years of age. Her father died on the day when she was arrested and committed to prison. At the same time her mother was lying in bed sick. A woman unknown to the prisoner, came into the house at the time of her father's death, bringing a pair of shoes with her. These shoes, by some means, disappeared; the woman accused the girl of stealing them, and had her arrested and committed to prison upon the charge of larceny. The Agent, upon investigation, found that there was no evidence to connect the child with the larceny of the shoes, and obtained her discharge, from the Recorder, by becoming bail for her appearance at Court, if necessary.

NUMBER 15.—Was another case of a young girl committed to prison upon the charge of larceny; being accused of taking a pair of corsets from the line in the yard. The prosecutrix was a young girl who lived in the same house, and, after causing the arrest of the prisoner, left for parts unknown. Upon the Agent's investigation of the case, it was shown that the article which she was accused of stealing, had been given to her by her mother. The Agent procured her release, from the Alderman, by becoming bail for her appearance at Court.

NUMBER 16.—Was the case of a poor woman, who was committed to prison upon the charge of misdemeanor. She had five children depending upon her for support, one of whom, an infant, only a few weeks old, was in prison with her, and another was in a dying condition at home. The Agent saw the Alderman, and procured her release.

NUMBER 17.—Was a remarkable case, that of a man and his wife unlawfully imprisoned upon the charge of forcible entry. The Agent went to the Alderman, and secured their discharge by causing bail to be entered for their appearance at Court, if necessary. They were respectable and industrious persons, of good character, and had a little child depending upon them for support. They had entered into a written agreement to rent a room, the rent of which was to be paid weekly in advance. After they had occupied the premises for several weeks, they concluded to leave, and notified their landlady to that effect upon the very day upon which the week which had been paid for expired. Notwithstanding they had given her this notice, she went to a Magistrate and sued and had them imprisoned. All this was done in violation of law, and without a shadow of reason for her doing so. The prisoners owed her nothing and had done no wrong. The prosecutrix insisted upon their paying her another week's rent. As they refused to do this, intending to leave at once, they were immediately arrested and taken to prison. A sympathizing neighbor took charge of their infant child, and then came and informed the Agent of the outrage. When he interfered the Magistrate seemed to be heartily ashamed of the whole affair, and said, "it was not my wish that they should be sent to prison." It is difficult to conceive how a greater outrage than this could have been committed upon two unoffending citizens, who had done no wrong. Judge Brewster advised the Agent to inform the newspaper editors of the outrage, and bring the influence of the press and of public opinion to bear against the Magistrate who had done this wrong.

NUMBER 18.—Was that of a truly distressing character. It was the case of an industrious and poor, but respectable woman. Her husband had gone into the country to seek employment, but had not been able to earn enough for the support of his family. In consequence of this, his wife was compelled to seek employment at weaving in a woolen factory. She had not been at work long, before she was accused of stealing about ten pounds of woolen yarn. For this she was arrested, committed to prison, and separated from her helpless family; her husband being absent from the city. Being on the eve of confinement, the excitement and alarm occasioned by her imprisonment brought on premature pains and suffering, which were indescribable. The Agent immediately effected her release, caused her to be taken through the debtors' apartment and let out of the private door of the female department, to prevent unnecessary suffering in walking the distance to the prison gate. She was placed in a car and arrived home safely, in time to give birth to her infant in her own house, where she could receive the comforts of a home, instead of in a prison cell. She was released from prison about nine o'clock in the evening, by the Agent's becoming bail for her; all of which was done within a few hours after Inspector Chandler had called the Agent's attention to her suffering condition. As there was no evidence that she had stolen the yarn, the Agent succeeded in having a *nolle prosequi* entered by the District Attorney at the recommendation of the Alderman and the prosecutor. The woolen yarn which she was accused of stealing, was found at her feet, where she was at work in the factory, and was exactly where it should have been to be used by her for her employer's benefit. She seemed truly grateful for the timely assistance afforded her. Her aged mother has since called upon the Agent at his residence, paid the Magistrate's costs, amounting to two dollars, and thanked him for his friendly interference in favor of her daughter. This case was not only discreditable to the prosecutor and the Magistrate, but was a gross outrage upon humanity.

NUMBER 19.—Was the case of a girl about sixteen years of age, who was most unjustly imprisoned. She was a servant in the family of the man who was her prosecutor. He had a quarrel with a woman who was his next door neighbor;

struck her and injured her face, for which offence she prosecuted him. The girl witnessed this transaction. Her employer endeavored to persuade her to testify in his behalf at Court, that the woman was intoxicated at the time, and had fallen down, striking her head against the door and thus injured herself, and had not been struck by him, as alleged. As the girl positively refused to do this and said that she would not lie for him or any one else, the prosecutor immediately accused her of stealing a five dollar note from him. He said that he had laid it upon a mantel-piece for the purpose of seeing whether she would take it; that he watched her and saw her take it, and that he immediately took it from her and had her arrested and committed to prison. His story, however, was not believed by his neighbors or any one else who knew the girl. Upon investigation, the Agent found that the prosecutor could not identify the particular note which he had accused her of stealing; neither did he attempt to do so at the hearing before the Alderman. The girl said that she was innocent and that this charge had been brought against her for the purpose of frightening her and compelling her to swear falsely at the trial of the neighbor. The Agent, believing her statement, went to the prosecutor and prevailed upon him to go to the Magistrate and consent to the girl's release from prison. As soon as she was released she went to a Magistrate and prosecuted her prosecutor for false imprisonment and perjury. The Agent supplied her with counsel, who caused her prosecutor to be convicted in Court, and sentenced to four months imprisonment, for these offences.

NUMBER 20.—Was the case of a poor woman who had been committed to prison upon a charge of assault and battery. As she had three little children depending upon her for support, the Agent supplied her with counsel, and saw that her case was properly defended. The jury found her guilty, but recommended her to mercy. The Judge then disposed of the case by requiring her to pay the costs, but subsequently released her from the costs upon the Agent's informing him of her inability to pay. This case had been previously settled between the prosecutor and the prisoner, and she had been let off by the Agent's becoming bail for her. This was done with the understanding that she was to pay three dollars and fifty cents to the Alderman by the following Saturday. As she had been sick and was unable to pay this sum to the Magistrate, he returned the case to the Court and the prosecutor was obliged to appear against her. The final result was the putting of the costs in Court, amounting to sixteen dollars and fifty cents costs upon the County, as she was unable to pay them. All this would have been avoided if she had been able to pay three dollars and fifty cents to the Alderman.

NUMBER 21.—Was the case of a motherly woman, who was imprisoned by her husband upon the charge of assault and battery upon him. She was in great distress of mind respecting her little children who needed a mother's care. As her person had been shamefully beaten black and blue by her husband, who was her prosecutor, the Agent became bail for her and saw that she was released and permitted to return home to take charge of her little children. Her neighbors spoke well of her and said that her husband was to blame for bringing liquor into the house and giving it to her to drink. She took a solemn oath before Inspector Chandler that she would not drink any more.

NUMBER 22.—Was a remarkable case of high-handed oppression. It was that of a poor, illiterate, friendless colored girl, who had been imprisoned upon a charge of slander. Her prosecutors were a colored man and his wife. Their child struck a white child in the presence of the prisoner, who said, "Quit striking that child, you little black devil." The Mother said, "Whom do you call a black devil?" The girl replied, "You, you black bitch, you ought to know better than to allow your child to strike a white child." A war of words then began between the parties, each trying to say the worst of the other. This occurred in the presence of many witnesses, in a court thickly populated with the dregs of society; with whites and blacks living together promiscuously, without any real claim to respectability, in one of the most degraded parts of the city, Seventh and St. Mary street, a district mainly inhabited

by thieves and prostitutes, whose chief associates are dog-catchers and cleaners of cess-pools. The colored man and his wife went to a lawyer and complained that the girl had used words derogatory to their character, particularly the words "black ——" For this they sought redress. The counsel, after receiving his fee, commenced a suit for damages in the Supreme Court of Pennsylvania. A writ of *habeas corpus* for slander was issued and placed in the hands of the Sheriff, who arrested the girl and lodged her in prison, whither she was brought poorly clad and half naked, without a bonnet on her head and scarcely any shoes upon her feet. As she was penniless and friendless, and unable to enter bail, and as the Supreme Court had adjourned, she had to remain in prison at the expense of the County, from the 4th of June until the 8th of September, when the Court met again, a period of more than three months; all of which unnecessary punishment she received for thoughtless words spoken in a moment of excitement, and for which heavy damages were claimed at the hands of the Supreme Court, in default of paying which (if the plaintiffs had been successful in their suit) she might have remained in prison, she being unable to pay. When the Court met in the fall, the Agent presented the facts of the case to Judge Sharswood, who took the Agent for bail, which was done with the understanding and consent of the prosecutors' counsel that this was to be the end of the case. Her discharge was then given by the Clerk of the Court, who required one dollar to be paid for costs. The prisoner being unable to pay this, the Agent paid it for her. The prisoner was then released without being required to pay the five thousand dollars claimed for damages, or even five dollars, which was the last and lowest sum named by the plaintiffs that they were willing to take. One of the plaintiffs told the Agent that they had paid fifteen dollars to their lawyer and wished to get some of it back again, if they could; but after an effort, lasting three long months, it had been given up as a failure. This whole affair was not only a disgrace to justice, but an imposition upon the Supreme Court.

NUMBER 23.—Was the case of a man who had been illegally imprisoned for a debt, contracted for the board of his wife and child. As imprisonment for debt is abolished, and as he was imprisoned by the authority of the Guardians of the Poor of the late Townships of Oxford and Lower Dublin, and as his wife and child were both dead and buried long before he was imprisoned, the Agent applied to the Solicitor for the Guardians of the Poor for his discharge from prison, which application was successful. The prisoner was desirous of paying his indebtedness as soon as he could obtain employment. Owing to the sickness and death of his wife and child he had become embarrassed in his finances.

NUMBER 24.—Was the case of a man who had been committed to prison by mistake upon a charge of larceny, instead of assault and battery, as the Magistrate intended. The Agent obtained a transcript of the case, and called Judge Allison's attention to the Magistrate's mistake, which had caused the man to be imprisoned for eight weeks. The Court ordered him to be discharged.

NUMBER 25.—Was the case of three respectable persons, unjustly imprisoned upon the testimony of a drunken woman, who was their landlady. Two of them were a man and his wife, who occupied rooms in the prosecutor's house. The wife was taken sick, and sent for her sister to stay with her during her sickness. This gave offence to the landlady, who quarrelled with the sister, and told her that she had no right to pass through her house. On her saying that she had a right, the landlady struck her. The sick woman and her husband interfered for her protection. They charged the landlady with assault and battery. She obtained bail and charged them with assault and battery. As they could not obtain bail, they were committed to prison. As the women were greatly distressed, and one of them had just left a bed of sickness, the Agent interfered in their behalf, and obtained the consent of the prosecutor to their release, and the prisoners agreed to withdraw the charge against her. Thus four law-suits were settled soon after the parties were committed to prison, and the expense, vexation and trouble of attending Court were saved by the interference of the Agent.



NUMBER 26.—Was the case of a poor woman who had been committed to prison upon the charge of assault and battery. She was at the Court House as a prosecutor and witness against some persons whom she had charged with assault and battery, when she was arrested by an officer upon the above charge; which, she said, was done to prevent her from prosecuting the parties and to defeat the ends of justice. The Agent called Judge Allison's attention to her case, who consented to her release by taking the Agent for bail. This enabled her to come into Court and testify against her prosecutors, and thus they were prevented from defeating the ends of justice.

NUMBER 27.—Was that of a man who was wrongfully accused by his brother-in-law of stealing his watch, which was of but little value. The prosecutor said that he was very drunk at the time, and was lying upon a cellar-door in the street, when the prisoner and another person came and robbed him of his watch. As he had accused two persons of taking it, and as there was no proof that either of them had taken it, and as the prisoner was a respectable man, of good character, the Agent obtained a writ of *habeas corpus*, supplied him with counsel and saw that he was discharged from prison.

NUMBER 28.—Was the case of a poor but respectable woman, who had been wrongfully imprisoned at the instance of a drunken woman who came to her door and made a disturbance. The prisoner desired her to go away, as she did not wish to hear the noise. For which the drunken woman went to a Magistrate and had her committed to prison upon the charge of assault. She had three little children depending upon her for support, one of them being an infant at the breast. The Agent obtained her discharge, from the Clerk of the Court, with the consent of Judge Ludlow, who took the Agent for bail for her appearance, if necessary.

NUMBER 29.—Was the case of a man who had been imprisoned upon a false charge of stealing ten cents. The Agent and the prosecutor went to the office of the District Attorney, where the prosecutor stated that he had wrongfully accused the prisoner of having robbed him, as he had since found the money in his own pocket. He admitted that he had been drunk at the time when he made the charge. After this statement, the bill was ignored and the prisoner discharged.

NUMBER 30.—Was the case of a man and his wife who had been wrongfully imprisoned upon a charge of larceny, of which offence they were not guilty. The Agent went to the Magistrate and obtained their discharge, on condition that they would move away from the premises at once. A little child of their's, who had been badly scalded, was left entirely without any one to attend to it, owing to the imprisonment of its parents. They had evidently been imprisoned to compel them to vacate the house, as they were too poor to pay the rent.

NUMBER 31.—Was the case of a young man, respectably connected, who had been committed to prison upon a charge of stealing a rope. While there, another person of the same name was imprisoned for stealing a wheelbarrow, when the last named person was sent for to be tried for stealing the wheelbarrow, the jailor, by mistake, sent to Court the first named, who had been committed for stealing the rope. As his hearing was not very good, when the crier of the Court asked him if he was guilty of stealing the wheelbarrow, he said "Yes." As the Judge was about to sentence him for this offence the mistake was discovered, and the Agent found, upon investigation, that his case, for the larceny of the rope, had not yet been returned to Court. The Agent obtained the return from the Magistrate and saw the prosecutor, who did not desire to prosecute, as the rope had been returned to him. As the prisoner had been intoxicated at the time when he committed the theft, and as it was the first time that he had been accused of any offence, the Agent recommended to the Court and to the District Attorney that his case should be ignored, and the Agent should be allowed to have him sent to sea. This was agreed to, the prisoner was released, and was shipped accordingly.

**NUMBER 32.**—Was the case of a poor woman who had been committed to prison with her little child, upon the charge of arson, of which offence she said that she was not guilty. Upon investigation by the Agent, it did not appear that she was guilty. She said that she had been confined to her bed by a cancer in her leg, which occasioned intense suffering. Her little child, at this time, was cross and troublesome, and she gave it a cent to quiet it; that the child dropped the cent which rolled into a rat hole in which were some loose pieces of paper. The child took a light to look into the hole for its cent, and accidentally set fire to the paper. The child screamed and an alarm of fire was raised. The fire was extinguished with little or no damage to the property. As it was supposed that the mother had caused the fire, she was arrested and committed to prison with her child, which was about three and a half years old. She had no insurance upon the property, and, therefore, could have had no motive for setting fire to it, but, on the contrary, would have deprived herself of a home and would have lost her furniture. The Agent informed the District Attorney and the Fire Marshal of these facts, when they at once consented that the Magistrate might dismiss the case and discharge the woman, with her child, from imprisonment.

**NUMBER 33.**—Was the case of a poor youth, nineteen years of age, who is a cripple, feeble minded and subject to fits of epilepsy. Having fallen down in a fit in the street, he was picked up by a policeman, who caused him to be committed for a misdemeanor. The Agent went to the Magistrate, procured his discharge and entrusted him to his sister, who took him from the prison.

**NUMBER 34** —Was that of a young colored girl, who was accused of the larceny of a quilt, the property of a colored man with whom she had been living. It appeared that this man had not supplied her even with the necessities of life, so that she was compelled, as she said, in order to meet her wants, to pawn the quilt, for which she received seventy-five cents. The Agent saw the Alderman and explained the case to him, upon which she was discharged.

**NUMBER 35.**—Was the case of a colored man, of good character. He was sick, feeble and without work. A wife and two children depended upon him for support. As he and his family were in a suffering condition, he went from door to door, soliciting subscriptions, which he obtained by misrepresenting the purpose for which the money was collected. A person who had subscribed twenty-five cents caused him to be arrested and imprisoned. As it did not appear that he had collected more than a few dollars in this way, and as some of our most influential citizens were willing to come forward and testify to his previous good character, the Agent supplied him with counsel to explain his case to the Court. He was acquitted and allowed to return to his suffering family.

**NUMBER 36** —Was rather a remarkable case. It was that of a man who was committed to prison in August, 1867, as a witness for the United States Government, against certain persons who had defrauded the Government in the Bonded Warehouse.

One of these persons was arrested, tried and convicted, upon the prisoner's testimony. The remainder of them had fled for fear of being prosecuted. The efforts of the officers of the law to have these parties arrested and brought to trial, were unsuccessful.

In the meanwhile the witness was kept in prison for a period of eight months. When the Agent discovered that this long confinement was impairing his health, he obtained a certificate from the Physician of the Prison, setting forth his dangerous condition and the probability that he would live only a few days if he was not immediately released. The Agent presented this certificate to Judge Cadwalader, in Court. The Judge directed a writ of *habeas corpus* to be issued returnable at the Prison. The Judge went to the Prison, accompanied by District Attorney Gilpin and other officials. He held his court in the prisoner's cell, when and where the prisoner was ordered to be discharged.

The Agent then took charge of him and endeavored to have him removed from the prison, but his critical condition would not admit of it at that time. The Agent made the necessary arrangements for his admission to the St. Joseph's Hospital and for the meeting of his expenses by the United States Government, District Attorney Gilpin becoming responsible for his support while in that Institution. The next day the Agent saw that he was removed from prison, placed in a carriage, and taken to the Hospital, where he received such attention as secured his recovery from his dangerous condition. When the Agent visited him at the Hospital, his physician expressed the hope that he might now be considered out of danger, and would, very soon recover his health. This timely interference of the Agent in having him removed from the fetid air of a close cell and released from prison, was the means of saving his life, but for which he would certainly have died.

The unjust law under which United States witnesses are imprisoned, should be abolished, as it has been by the laws of Pennsylvania, in the case of witnesses of our State.

NUMBER 37.—Was the case of a poor colored girl who had been committed to prison for perjury. Her offence consisted in testifying against a man who had badly beaten her, for which she caused him to be prosecuted. He immediately commenced a cross-action against her for perjury. As such action could only be legally obtained by two witnesses, the Agent went to the Magistrate and demanded her release, which was granted. She was liberated and enabled to follow up the prosecution against her accuser, who had illegally imprisoned her.

NUMBER 38.—Was that of a man who found in the street a pocket-book, containing forty-one dollars. The loser advertised it, but as the description given in the advertisement did not correspond with the amount found, the finder did not return it, because he believed that it did not belong to the person claiming it. For this he was arrested and committed to prison. The Agent supplied him with counsel and he was acquitted, in Court, of the charge of constructive larceny, of which offence he was not guilty.

NUMBER 39.—Was the case of a kind-hearted woman who had been committed to prison upon the charge of larceny. She had benevolently sheltered a drunken woman and her child in her house. This woman took the shoes off her child's feet and pawned them for twenty-five cents. After purchasing something for herself and child to eat, she spent the remainder of the money for rum, with which she became very much intoxicated. She then accused her benefactress, who had sheltered her and her child, of robbing her of eight dollars. Upon this charge this kind-hearted woman was arrested and imprisoned. Her home, children and property were thus left to the mercy of this drunken woman who was her prosecutrix. There being no truth in the charge, the Agent went to the Alderman and procured her release, in a few hours after she had been imprisoned. By this prompt interference she was permitted to return home and attend to her family and protect her home.

NUMBER 40.—Was the case of a poor woman who had been committed to prison upon the charge of arson. She had three little children and was about to give birth to another. The prosecutrix was an intemperate woman who lived in the same house with her, having a room upon the same floor. While she was intoxicated, some articles of hers took fire, owing to her own carelessness. The neighbors immediately extinguished the fire. She then accused the prisoner of setting fire to her clothing and robbing her of a dress worth fifteen dollars, upon which she was arrested and imprisoned. Upon investigation, the Agent found that she was not only not guilty, but that she was the victim of a malicious prosecution; and even the Magistrate who committed her had doubts of her guilt. After she had been in prison a few days, the Agent obtained her release, the Magistrate and the Fire Marshal going into Court and consenting to it. She was thus permitted to return home and take charge of her family.

**NUMBER 41.**—Was the case of a woman whose respectability was unquestionable, but who was accused of stealing a hundred dollars. The Agent found, upon investigation, that the charge had been brought against her by an intemperate man, who was in the habit of secreting his money in large sums at times when he was very much intoxicated. Upon becoming sober, he would have no recollection of the places where he had deposited his money, and would not hesitate to accuse any one of stealing it who had visited his house. The prisoner, who was a relative, had gone to the house to see his sick wife. There was no evidence that the prisoner had stolen the money. She had given birth to an infant only a few weeks before, and no opportunity was afforded to her by the officers who arrested her of getting her baby, to take it to prison with her. For these reasons the Agent interfered and procured bail for her, so that she was released from prison. The neighbors, who did not believe that she had taken the money, were of opinion that before long the prosecutor would find it where he had placed it himself.

*December, 1868.*

**NUMBER 42.**—Was the case of a child seven years of age, who had been committed to prison by mistake, upon the charge of taking a cake, valued at five cents. Another boy had stolen the cake. A hearing was had in the case of the real culprit, a commitment was written out by the Alderman, and left in the hands of the Lieutenant of the Station-House, with orders to have the boy sent to prison unless his parents came and entered bail for his appearance at court, which they did, and took their boy home with them. The commitment, now of no use, was left at the Station-House with the Sergeant, whose duty it was (in the absence of the Lieutenant) to send prisoners to prison. He saw a little boy upon the premises at the time, thought that the commitment was for him, and immediately arrested him, and sent him to prison, although the name upon the commitment was entirely different from that of the child who was imprisoned. The Agent asked the magistrate to release him, and he denied that he had ever committed him. The Agent immediately saw the prosecutor, who said that he had no charge against this boy. When his parents were found, the mother was sick in bed, and unable to intercede for him; his father was poor and unable to procure bail for him. Upon the request of Inspector Chandler and of the Grand Jury, who saw the boy in prison, the Agent investigated the case, and procured his immediate discharge.

**NUMBER 43.**—Was the case of a little boy who had been tried and acquitted in court upon the charge of stealing a loaf of bread from a baker's wagon, but by mistake had been taken back to prison, instead of being discharged. The Agent called Judge Peirce's attention to the case, and he was immediately released. The boy and his parents were very poor, and in a distressed condition.

**NUMBER 44.**—Was the case of a small boy about nine years of age. He was one of several boys who were accused of stealing eight bottles of mineral water and ale from a wagon. The boys who had committed the theft ran away with the stolen property, leaving this little boy to be arrested. There being no evidence that he had taken anything, the prosecutor was willing that the case should be dismissed, and the boy released from prison. The Agent explained the case to the District Attorney, and asked that the bill might be ignored. The application was successful, and the boy was released.

**NUMBER 45.**—Was that of a boy about seventeen years of age, who was sick, weak, and feeble-minded. He went into the cellar of a store, fell asleep, and remained there all night. When he was found there in the morning, he was arrested and imprisoned upon the charge of intending to commit a larceny. There was no proof that he had taken anything. His worthy, intelligent mother begged for his release. She said that she would "take special charge of him, and prevent him from doing wrong in future." The Aldermen and the prosecutor united in signing a recommendation for a *nolle prosequi*, and the prisoner was released upon the recommendation and interference of the Agent.

*December, 1868.*

**NUMBER 46.**—Was the case of a man seventy years of age, who was arrested and imprisoned for selling lemons from his basket, in the street, without a license. His wife was sick and depending upon him for support. The Alderman demanded fifty dollars (\$50) to release him, and would not give a discharge from prison unless the money was paid. The Agent having informed Judge Brewster, and the District Attorney of the facts of the case, and of the deplorable condition of the prisoner and his aged wife, who were penniless and unable to pay the fine, they both consented to the discharge of the prisoner by taking the Agent for bail, and the man was released without any cost whatever.

**NUMBER 47.**—Was the case of an aged man, who is a German, and could speak but little English. He went into a tavern to get something to drink and having pulled his purse out of his pocket to pay for what he had received, some boys who had followed him into the tavern struck his hand and scattered the contents of his purse—six dollars and forty-three cents (\$6 43)—upon the floor. They did this for the purpose of robbing him. When he found that they were taking his money, he undertook to defend himself with his jack-knife. For this he was arrested and committed to prison, upon the charge of assault with a knife. After having drawn the attention of Judge Allison and the District Attorney to his case, the Agent saw that he was discharged by the authority of the Court.

**NUMBER 48.**—Was the case of a man who was in prison for a debt of two dollars (\$2). He was from Boston, a sailor by profession, and a stranger in this city. He had borrowed the money, and intended to pay it, but before he had an opportunity to do so he was arrested and imprisoned upon the charge of false pretence. The Agent informed the Court of his illegal imprisonment, after which he was discharged by the authority of Judge Allison.

**NUMBER 49.**—Was an interesting case of a discharged convict, who had been in prison twenty months, upon the charge of assault and battery. As he was in delicate health, and unable to do hard work, he wrote to his brother to send him forty dollars (\$40), to pay his passage to his brother's house in St. Louis. The money was sent through the Post Office, in a regular registered draft upon Adams' Express Company, in this city. This draft was enclosed in a letter directed to the prisoner, at the prison. When his sentence expired, the Agent accompanied him to the Express Office, for the purpose of identifying him as the person who was entitled to the money which had been sent to him from St. Louis. He was informed that there was no money there for him; that a person of his name had been there, with a regular registered draft, and had drawn the money upon it. The Agent then learned upon investigation, that there had been an untried prisoner in prison of the same name as that of the convict, and that the postman had delivered the letter containing the draft to this untried prisoner, instead of the convict who was entitled to it. The prisoner having been discharged before the convict, an opportunity was thus afforded him to draw the money. When the Agent found him, he had spent the money, and as there was no possibility of getting any of it back again, the Agent accompanied the convict to the Post Office, and endeavored to have them make good the forty dollars (\$40) which had been thus lost to the convict, but both of these parties refused to reimburse the man. The Agent finally succeeded in getting ten (\$10) dollars from the Express Company, which amount your Agent took to the Agent of the Pennsylvania Central Railroad Company, and prevailed upon that gentleman to consent to receive this ten dollars, and give the discharged convict through tickets all the way to St. Louis; which tickets were worth more to him than the money he had lost. By this management he was reimbursed, and two (\$2) dollars were given him by the Agent, all of which caused him to feel very grateful, and he went on his way rejoicing.

**NUMBER 50.**—Was the case of a discharged convict who was an Englishman. His case seemed to be one of great hardship. He left his vessel to come on shore for

recreation. He took the liberty of putting on without permission, a pair of old boots which belonged to the captain. For this the captain had him arrested, tried, convicted, and sentenced to prison upon the charge of larceny. When this was done, the captain sailed from this port, leaving the prisoner here, a stranger, in a penniless and friendless condition, taking with him the prisoner's chest and clothing, which he had left with the captain for safe keeping. As the captain was an Englishman, the discharged convict was an Englishman, and as it was an English vessel, the Agent supplied him with counsel, and took him to the British Consul for assistance, who took charge of him, and supplied him with a home, until he could send him back to England, where he will have an opportunity to seek redress, all of which will be done at the expense of the British Government, through the British Consul, as requested by your Agent.

NUMBER 51.—Was the case of an industrious and sober man, who not only supported himself and family, but had supported the wife and two children of a relative, for the space of six months, and because he would not continue to support them gratuitously, he was insulted and abused, and then imprisoned upon the charge of abuse and threats, by the prosecutor, whose family had been thus sustained and protected by him. After the incarceration of the prisoner had taken place, one of the prosecutor's children died, and was buried two days after the prisoner had been committed to prison. The Agent saw the Alderman, explained the case, and obtained his discharge.

NUMBER 52.—Was the case of two colored men, who had been committed to prison upon the charge of assault and battery. Applied to the Court for a writ of *habeas corpus*, which was granted by Judge Ludlow. No sooner had this been done, than the magistrate granted their release. They had been employed with four others by the prosecutor, who was also a colored man, to whitewash a railroad depot, at the rate of one dollar and fifty cents (\$1 50) per day, each. When the work was done, the prisoners and the four others who were employed with them, asked the prosecutor, who employed them, for the money which they had earned, and which was lawfully due them. Instead of settling up with them, the prosecutor gave fifty cents to one, and seventy-five cents to another, and so on until he had got through with the whole six. This caused some angry words to pass between the employer and the employees, and resulted in the prosecutor's getting a warrant for the whole number; four of them, however, escaped and were not arrested. The two who were so unfortunate as to be arrested were confined in prison but four days, when the Agent saw that they were released, and enabled to pursue their prosecutor and get their pay.

NUMBER 53.—Was the case of a colored woman, who had been committed to prison upon the charge of assault and battery. For this offence she was convicted and sentenced to pay a fine of one dollar and costs. As she was poor, and unable to pay this, she was remanded to prison with her sick infant in her arms. She had three other children at home uncared for, one of whom was a cripple. As she was poor, and unable to pay the fine and costs, the Agent interceded in her behalf, and induced Judge Ludlow to reconsider her sentence, and authorized her release from prison.

NUMBER 54.—Was the case of a small boy, of about twelve years of age, who was committed to prison upon the charge of larceny, which consisted in his taking a pack of shooting crackers. As it was his first offence, the Agent made application to Court and obtained his discharge by becoming bail for him.

NUMBER 55.—Was that of a poor woman, who had been illegally imprisoned upon a commitment which had no alderman's name signed to it. She was accused of malicious mischief. As the infant which she had with her in prison was sick, and two other children at home were sick with the measles, the Agent applied to the Court for a writ of *habeas corpus* for her and three others, who were improperly imprisoned. The application was successful, and the whole number were discharged,

and the poor woman was permitted to return home to see after her suffering family.

The following three cases have been published before by the Agent, in his Annual Report. He is led to republish them, owing to the fact that numerous persons, who were unable to procure his former publication, owing to the edition's being exhausted, have requested him so to do, they desiring to have them. The first of the cases is an extremely interesting one, and a book founded upon the facts in the case, written by Hon. Robert Dale Owen, is now being published in monthly parts, in Lippincott's Magazine. The author of this work states, that the prisoner said "that his counsel advised him to plead guilty." It should be stated, however, that this advice must have been given at the first glance of the case, before the counsel had had an opportunity to investigate it, and when he had heard only the statement of the defendant, unsupported at the time by any other testimony. The prisoner stated that the advice was benevolently given by Mr. Brewster, to save him (the defendant) from paying a fee in what then seemed to be a hopeless case.

NUMBER 56.—A remarkable case of the conviction and reconsideration of the sentence of an innocent man, on after-discovered testimony, procured by the exertions of the Prison Agent, and that was not known to the prisoner, to his counsel, or the Court, at the time of the trial. Had it been known it would have been fatal to the case, and the prisoner could not have been convicted under the circumstances.

One of these circumstances was, that the prosecutor was an impostor, who prosecuted under a fictitious name; this, if known at the time, would have been fatal to the conviction.

Another circumstance was, that the money was proved to belong to the prisoner, and was in his possession before he was accused of stealing it.

This was the case of a man charged with robbery, tried, convicted, and sentenced to nine months imprisonment by Judge Oswald Thompson, August 24, 1855. This sentence was reconsidered at the Judge's residence, at the hour of midnight, on the 17th of November, in the same year.

This was done at the request of the Agent, who presented to the Judge eight affidavits from respectable citizens, who testified to the entire innocence of the prisoner, and proved that his prosecutor was an impostor and a swindler; that he prosecuted the case under a false name, to avoid detection in this great fraud to obtain the money, calling himself by a certain name, but it was afterwards proved satisfactorily that the name which he had given was not his proper name, and that he was known by another name in Pottsville, where he had lived and transacted business. It was also shown, and he himself admitted, that he had slept in a police station house in the upper part of the city on the night previous to the morning of the alleged robbery. His reason for doing this was, that he had no money. Notwithstanding this fact was known in our city, he went to the residence of the prisoner, who kept a hotel for the accommodation of travellers and emigrants in Water near Walnut street.

After drinking pretty freely at the bar, he asked permission to go to bed and have a sleep, as he said he had been travelling all night and was fatigued; his request was complied with. After he had been in bed about two hours he came down and took another drink at the bar. He then said that the prisoner had come up stairs, put his hand in his pocket and robbed him of \$170, in ten dollar gold pieces, and that he saw the prisoner do this. After stating this, he went to a police officer and informed him that the prisoner had robbed him of \$170 in gold. The prisoner was then arrested, taken to the Central Station at the Mayor's office and searched, his watch taken from him, and \$220 in gold were found upon his person. Of this money, \$170 were in ten dollar gold pieces, the balance was in gold coin, of a smaller denomination. In addition to this there were some bank notes, which made the whole amount \$242. All of this money was in a bag in his side pocket.

The prisoner got into the difficulty by spreading the contents of this bag upon his counter, at a time when he was looking for some small change to give to his prosecutor, who had been drinking at the bar.

During the short period in which the money was exposed in this way, the prosecutor made a quick count of the ten dollar gold pieces, which amounted in all to \$170, while the whole amount in gold was \$220. The prosecutor was in a destitute condition, being almost penniless, and having but enough to pay for a few drinks, he was tempted to put money in his pocket by saying the prisoner had robbed him of \$170 in gold. When the prisoner was searched, owing to his having this amount of money in ten dollar gold pieces in his possession, and its being precisely the kind which the prosecutor said he had lost, the presumption was, that he was guilty of stealing it. He was then bound over to await his trial. In the meantime he employed first class counsel, Frederick Carroll Brewster, Esq., the present Judge Brewster. This able lawyer thoroughly prepared himself to plead the prisoner's cause, and in a trial which lasted several days, did most ably defend him; but, notwithstanding the fact that all had been done that could well be done at the time, to show the innocence as well as the good character of the prisoner, he was convicted and sentenced by Judge Thompson to nine months imprisonment. After his conviction, a motion for a new trial was made, and upon the argument his counsel Mr. Brewster, produced several affidavits. One as to the prosecutor's poverty, and another as to the possession by the defendant, of gold coins before the supposed larceny. His counsel relied upon these, the undoubted good character of the defendant, and the improbability of the accusation, but all this to no purpose, a new trial was refused. After this had happened, the Judge instructed the Clerk of the Court to take \$170 in gold from the money bag of the prisoner, and hand it to the prosecutor, who said he had been robbed of it. The balance of the two hundred and forty-two dollars was then handed to the prisoner, and he was taken to jail to serve out his sentence. Before he was locked up he was stripped, and his body thoroughly examined, and all marks and scars found upon his person carefully noted and recorded, with a full description of his height, by measurement, together with the complexion and color of his eyes, his age and birth-place were also recorded, as well as other incidents connected with the case. His clothes were then taken from him and put away for safe keeping, and after having been clothed with prison garments, he was taken to a cell, where he remained nearly three days without eating anything of any account. The prison fare had been daily offered to him, but he had no appetite to eat and he could not sleep, as he was in a state of high nervous excitement. This had been occasioned by his unexpected conviction, and by the thoughts of his being taken away from a prosperous business, his wife and children, and from his peaceful home, together with the loss of character and the impending ruin of himself and his family that was in prospect. All this had caused him to give up in despair. He said he was innocent and he could not understand how it was that he should be convicted, and that his money should be taken from him and be handed to this prosecutor who had caused his ruin.

It was in this condition that the Agent saw him for the first time and pitied him, and begged of him to be composed and to partake of some nourishment, and live for the sake of his family. If he would only do this the Agent promised to make an extra effort to prove his innocence if such a thing could be done. He replied, "that was impossible, all that mortal man could do had already been done by his counsel, that he knew he himself should not live long, but, in his last dying moments he would pray for Mr. Brewster, who had so nobly and so eloquently defended him, and if he (Mr. Brewster) could not show his innocence, it was no use any one else trying." The Agent told him not to talk that way, for just as sure as he was a living man, if he was innocent, the Agent would show it, and have him released from prison. At this statement the prisoner took encouragement and partook of some nourishment.

When he had somewhat recovered, the Agent questioned him as to the history of his case, and asked him with whom he was in the habit of transacting business, from whom he purchased supplies for his hotel, and what he knew of his prosecutor. He said, "he knew nothing of him, that he had never seen him nor heard of



him before the day that he came into his house and accused him of robbing him." He also said that the prosecutor had stated that he came from Pottsville the night previous.

Upon this information the Agent went to work and inquired at Pottsville as to the character of the prosecutor, when it was shown by the affidavit of a resident of that place, and who was a member of the Bar, that the prosecutor was an impostor, and that his right name was altogether different from that by which he prosecuted the prisoner. It was also shown by other witnesses at Pottsville, that his character was bad; that he was in a penniless condition, and that in consequence of this he left Pottsville and came down upon a coal train to Philadelphia, and then went to the police station in Port Richmond, where he represented himself as poor and friendless and without money. Upon these statements he was received into the station house for the remainder of the night, and the next morning he was turned out with other paupers. He then went down to the hotel of the prisoner at an early hour of the morning and asked for something to drink, and stated that he had been travelling all night and wished to have a sleep. When the Agent had discovered this much in reference to this bad man, he then looked into the character of the prisoner. All who knew him spoke well of him, and said he was a remarkably honest man, that he always carried a bag of gold with him, and was in the habit of displaying it on occasions when he made his purchases, and that he paid cash for every thing he bought.

Two women testified on oath to seeing the prisoner with the money *previous* to his being accused of stealing it.

The Agent saw a man, a grocer, who testified on oath that "he knew the defendant to carry, generally, large sums of money about his person, that he knows the defendant is unacquainted with the quality of bank notes, for which reason he always prefers and insists upon taking gold in his dealings." And further deponent saith, "that on one occasion defendant having made a purchase at his store, he left on deponent's counter his purse, or a bag, which, on examination, deponent found to contain a large sum of money in gold."

In addition to this the grocer also said, that "when he examined the contents of this bag he made a memorandum, which he still had in his possession, and which showed that these \$170 in ten dollar gold pieces were in the bag when the prisoner, by accident, had left it upon his counter. On this occasion he had purchased a bill of groceries, among which were some lemons and loaf sugar, which he wanted for immediate use, for a customer who was then waiting in his bar-room. After he had laid his bag of gold down on the counter, he took up his lemons and loaf sugar, and left in haste to wait upon his customer. This haste was the cause of his leaving the money, which was afterwards seen, examined, and returned to him by the grocer. This happened just previous to his being accused of stealing the money, and at a time when the prosecutor had not yet left Pottsville.

The above, with five other affidavits had been procured, all of which tended to show the innocence of the prisoner. The Agent being fully satisfied as to his good character and innocence, immediately went to the residence of Judge Thompson, accompanied by a Prison Inspector, and presenting these affidavits to the Judge, asked him for a reconsideration of the sentence, telling him at the same time that he believed the prisoner was innocent. This request was at first refused by the Judge, as he said, "he felt fully satisfied of the prisoner's guilt, that the trial had been a protracted one, and had been managed with great care and skill on the part of Mr. Brewster, the prisoner's counsel, who had shown a zeal and an energy in the case that were worthy of a better cause; and as the ring of Mr. Brewster's eloquence was not yet out of his ears, and as he well remembered the testimony, and was fully satisfied of the prisoner's guilt, he positively refused to hear anything further in the case."

One reason why he said this, was, because it was a late hour of the night, and he had court documents before him, which he had to examine, and that must be attended to.

The Agent then said to the Judge, in a firm, respectful, and impressive manner, "that he could not leave without a full hearing of the case, but would prefer remaining where he then was, to urge the case until he should fall down in death."

This wise and good man's mind was such as to enable him to grasp at once and appreciate the good intentions of the Agent who was so persistent on this occasion in urging the claims of the prisoner. The Judge being astonished at this extraordinary effort on the part of the Agent, consented to set aside the urgent business before him and fully and thoroughly examine the Agent and hear what he had to say, and also examine the affidavits which tended to prove the innocence of the prisoner. This done, the Judge expressed himself to be fully satisfied of the prisoner's innocence, and commended the Agent for his perseverance. The Agent then asked him if he would reconsider the sentence and instruct the Clerk of the Court the next day to give a discharge for the prisoner. He said, "No,—I will reconsider it *at once, he must be discharged to-night*, midnight as it is, I am unwilling that this innocent man shall remain in prison one moment longer than is absolutely necessary, and I am surprised that such a thing should have happened in a Court over which I presided, and where such great care had been taken in the management of the case." He immediately wrote out the reconsideration of the sentence, which was accompanied by a letter to the jailor, that asked for the prisoner's immediate release upon his, the Judge's, responsibility. He also promised to instruct the Clerk of the Court on the next day to send down a regular formal discharge containing the seal of the Court. This promise was carried out. Having obtained the consent of the jailor, the Agent saw that the prisoner was discharged about three o'clock in the morning, several hours previous to the regular discharges having been sent down.

The prisoner was really and truly thankful to the Agent for the searching investigation made of his case, which had redeemed his character and restored him to his family, and to society as an honest man.

All this was done without any cost whatever to the prisoner or any one else.

After the above case had been written out for the publication, it was sent to Judge Brewster for his examination and approval. The following reply has been received by the Agent:

GERMANTOWN, Monday Morning.

WM. J. MULLEN, ESQ., *Prison Agent*.

DEAR SIR:

Your statement of the above case was received on Saturday P. M. I have examined it with some care, and so far as my knowledge extends, it is a very correct narrative of this singular case. I, of course, know nothing of what passed at the prison or the Judge's house. I should add that your effort in behalf of this oppressed and injured man is worthy of all praise.

I am very respectfully and truly yours,  
F. CARROLL BREWSTER.

## RECONSIDERATION OF SENTENCE BY JUDGE ALLISON,

NUMBER 57.—In the cases of nine Germans who were tried and convicted upon the charge of assault and battery, and sentenced by Judge Allison, July 15, 1856, to pay a fine of one cent, to pay the costs of prosecution, and to undergo an imprisonment, two of them for nine months each, and the remaining seven for six months each.

These prisoners were accused of seriously injuring a Jew boy, about fourteen years of age, by sticking him with pins the whole length of his spinal column, and marking him in a similar manner across the shoulders, leaving upon his back a complete cross, which was filled up with India ink, similar to the manner in which sailors amuse themselves by marking different portions of their bodies.

The prosecutor in this case, the father of the boy, was an old Jew, and a pauper. Just previous to the commencement of the prosecution, he and his son had been inmates of the Almshouse; immediately upon leaving there, they went to a German boarding-house for the accommodation of emigrants. In this house were six Germans who had just arrived from Germany, and were consequently strangers to the

country, and could not speak English. They had in their possession considerable money, and were on their way to the West to purchase land, intending to settle there. During their temporary stay at this German boarding-house, the prosecutor, the Jew father, conceived the idea of extorting money from these friendless strangers, by accusing them of assault and battery on his son, seriously injuring him and destroying the vitality of the nervous system, by injuries inflicted on his spinal column, in the manner above described. He also accused the landlord and two others of assisting the Germans in committing this outrage upon his son; as a compensation for the injuries alleged to have been inflicted, he wanted each of these nine men to pay him a handsome sum of money, threatening them that if they did not pay the amount demanded, he would prosecute and imprison them. As the accused knew themselves to be innocent, never in any way or manner having injured the boy, they at once indignantly denied the charge and peremptorily refused to pay a single penny. In the hope, however, of frightening them and compelling them to comply with his demand, he brought suit against them, which he afterwards prosecuted to a conviction. This was accomplished by carrying the boy into court upon his back, and setting him down upon a table, as if the injuries were of such a serious nature as totally to deprive the boy of the use of his limbs. The boy acted his part so naturally and so well as to make a very favorable impression upon the Court and Jury, who pitied him in the apparently paralyzed condition; all who saw him believed that he had lost the use of his limbs, and that it was necessary to *carry* him into court to enable him to give his testimony against those whom his father accused of placing him in that pitiable condition. The prosecutor had so far succeeded in working upon the sympathy of a German Benevolent Society as to lead them to take an active interest in his case, and induced them to procure the services of one of our most distinguished lawyers to aid the District Attorney in prosecuting these innocent men; no means were left untried to procure their conviction, it being thought at the time that the injuries inflicted upon the boy were of so serious a character as to justify an extra effort to secure the conviction of the defendants, in order to deter others from committing such a gross outrage in the future. Upon the trial the father and son both testified that these men had committed the assault and battery upon the boy by holding him down and sticking pins into him, and in that way had so injured him as to deprive him of the use of his limbs; the father further testified that the prisoners told him (the prosecutor was a Jew), the Jews had crucified the Saviour and put him to death upon the cross, and as they were Christians, they wished to retaliate by crucifying a Jew, and they at once commenced their work of torture by making the cross upon his son's back; all this was afterwards proved to be false; this testimony, however, and the paralyzed condition of the boy, so excited the sympathy of all who witnessed it, and especially that of the jury, that they at once pronounced the prisoners guilty, without leaving the box. As the defendants were strangers, without counsel to defend them, and as they did not understand what was testified against them, their case was soon disposed of, and they were sentenced as above stated. After this, a collection was taken up in the court-room for the boy, among the members of the bar and others who sympathized with him, in his apparently helpless condition.

A short time after the prisoners had been sent to prison to serve out their sentence, the Agent procured an interpreter, and made himself fully acquainted with their case; he became very much interested in their behalf, particularly so, as the majority of them were friendless strangers, who had just arrived in our country. With these impressions he lost no time in making a thorough investigation of their case and made himself acquainted with the character of the prosecutor; to his very great surprise he discovered it was bad, that he was a pauper, that he and his son had just left the Almshouse, and that he (the prosecutor) had since been arrested in one of the lowest dens, in the lower part of the city, where he was engaged in making counterfeit coin, for which offence he was then in prison. Upon further inquiry a companion of his was seen, who confessed that he was present and witnessed the operation of sticking pins in the boy's back, at the time when it was done by the father of the boy, himself, and with the boy's consent, with the hope of extorting money from these defendants, and that the boy was not injured; the marks made with the pins

were only on the surface of the flesh, and that his nervous system was not affected or his health injured in any way. This man also stated where the boy could be seen. The Agent found him standing in a certain place in Chestnut street, actively engaged in selling cheap gloves from a basket that he had with him at the time; after conversing with him, and finding that he was in excellent health, and in no way injured, the Agent went to Judge Allison, and informed him of all the particulars in the case, and asked for a reconsideration of the sentence of these prisoners; the Judge consented to hear the evidence. After a patient hearing and careful examination of the boy and other witnesses, the sentences of these prisoners were reconsidered and they were at once released from prison, having been detained but for a short time during the investigation. Upon their release they immediately left for the West, in possession of their money. They expressed their thanks to the Agent and appeared truly grateful to him for his efforts in their behalf, which had led to the establishment of their innocence.

All of these prisoners were released through the interference of the Agent, without any expense to themselves or any one else.

### AN EXTRAORDINARY CASE OF THE IMPRISONMENT OF AN INNOCENT MAN.

NUMBER 58.—The case is not of recent date. This man had been committed by the Mayor, upon the charge of burglary. When the prisoner was first arrested and brought before the Mayor for a hearing, the Agent, aided by eminent counsel, in the person of a young man who had just been admitted to the Bar, appeared in the prisoner's behalf.

The prosecutor of the accused testified, on oath, that the prisoner came to his house on a certain Sabbath evening and asked for something to eat, when he was kindly treated, invited in and a comfortable supper was provided for him, of which he partook. While the prisoner was there the prosecutor said he conversed with him freely, and learned from him that he was a chemist by profession and a friendless stranger in our city. While thus in conversation the prosecutor had a full opportunity of observing the stranger's countenance. He then testified that a few days after this occurrence his house had been entered at the dead hour of the night by burglars who had succeeded in getting into his house by sawing a round hole in the back kitchen door, sufficiently large to admit of a man's arm and enable him to push back the two bolts by which the kitchen door was secured, and in this way an entrance into the kitchen had been effected. He stated that the burglar had then proceeded and sawed a similar hole in the partition which separated the kitchen from the dining room. This hole was but a few inches from the floor, and on a line with, and within an arm's length of the lower bolt by which the dining room door was fastened; but this hole, like the one in the outside kitchen door, was at least twice the length of a man's arm from the other bolt on the same door, so that it was impossible for the burglar in both cases, to have reached the other bolts, which were bolted. There was but one hole cut, in each case, and that was cut at the extreme end from the other bolt; each door had two bolts and these bolts were four and a half feet apart.

The gentleman who was the proprietor of the house, and who was the prosecutor in this case, swore positively before the Mayor of the city of Philadelphia, that this man who partook of his hospitality on the pre-

vious Sabbath night, together with other burglars, had entered into his house in the manner above described and committed a burglary by robbing him of a considerable sum of money. That he saw him—fought with him—fired at him several times—and beat him over the head with a pistol. In proof of this the prosecutor presented a hat with clots of blood and hair adhering to it, and intermingling with cuts and slits in the hat. The prosecutor declared that this condition of the hat was caused by his striking the prisoner upon the head with the end of his pistol while engaged in his terrible conflict with these burglars. This hat, upon examination, indicated that it had been laid upon a flat surface and that the cuts and marks had been made with a knife, and that the pistol had been held in a perpendicular position while striking the hat, leaving the impression of the ends of the five barrels of the revolver upon it in several places. This could not possibly have been done while the man had the hat on his head as was stated by the prosecutor.

This hat and an old pair of boots were said to have been left upon the premises by the burglars at the time when they were shot at and fled from the premises in haste. The prosecutor swore positively that this was the same hat which the prisoner wore when he took supper at his house on the Sabbath evening. Upon this positive testimony of a respectable, wealthy citizen, the prisoner was finally committed, by the Mayor, to await his trial for the burglary. This examination had been conducted by the District Attorney in person.

The Agent and his counsel did what they could at the time, to show the prisoner's innocence, but with little success. This examination occupied a period of five hours.

The sympathy for the prosecutor, at the time, was so great as to cause hundreds of people to rush to the hearing of the case at the Mayor's office, in the hope of getting a sight at this, alleged, desperate burglar. This sympathy was increased from the fact that this prosecutor had really been robbed about four years previously by four burglars who had been convicted of entering his house by sawing two holes in each of the doors, which enabled them to affect an entrance. This transaction and the conviction of these men seem to have had so serious an effect upon the mind of the prosecutor as to have caused him to bring this grave charge against this innocent man.

As the Agent believed the prisoner was innocent, he, with the aid of counsel, went to work and thoroughly investigated the case. The first thing examined was the hat; the clots of bloody hair that were upon it were given to a first-class chemist who had devoted many years of his life to the study of hair and blood. He being an expert in this business, found no difficulty in discovering that neither the hair nor the blood were those of a human being, but of an animal. The blood was supposed to be that of a chicken, and the Agent discovered that a chicken had been killed in the cellar of the prosecutor's house, and some of the feathers were still there.

The next thing to which the Agent turned his attention was the old boots which were found upon the premises, and which, it was said, this

burglar had taken off his feet so as not to make a noise. The Agent ascertained that they were an old pair of mouldy boots that had not been worn for years, but had been recently bought at an old junk shop, in the neighborhood of the prosecutor.

The Agent was also prepared to prove an alibi, by seven persons, some one of whom saw the prisoner every hour of the night, from nine o'clock in the evening until seven the next morning, where he had been locked up with these persons in a room, by his landlady.

As it was a very cold night the lodgers, each in their turn, lent a hand in attending to the fire, in order to keep themselves warm. This circumstance afforded them an opportunity of seeing the prisoner at all hours of the night. When the room door was unlocked the next morning the prisoner perceived there was a deep snow upon the ground, which had fallen during the night. He then made an arrangement with his landlady, in which he agreed to pay her eight cents for the using of a shovel which was loaned him; with this he went out and procured a job to shovel snow off a pavement. For this service he received twenty-five cents, eight cents of which he paid for the use of the shovel, and the balance of the money he paid for his breakfast.

Had he, with others, committed this burglary and robbed this prosecutor of a large sum of money, he would not have been under the necessity of earning his breakfast in this manner.

When the Agent had discovered this much, he, accompanied by the young lawyer, went directly to the house of the prosecutor, and asked permission to examine the house in reference to the supposed burglary. As the Agent was favorably known to the prosecutor, the permission was cheerfully granted, and his good intentions seemed to be fully appreciated. In the Agent's examination of these premises, he discovered a very important circumstance, and that was that the sawing of the round holes had been from the inside, and not from the outside. The hole that was cut from the dining-room to the kitchen was but four inches from the floor, and the cut indicated that the saw by which the hole was made had slanted towards the floor of the kitchen, giving clear and satisfactory proof that the sawing could not have been from the kitchen side, as the four inches of space from the floor to the cut would not give sufficient room to use the saw in making such a hole as had been there made for the purpose, as was said, of pushing back the bolt of the door in order to effect an entrance to the dining-room.

Upon a still further examination, the Agent discovered that the shots which had been fired in the house by the prosecutor from the pistol to the wood-work into which the balls had entered, were so near as to leave the powder-mark from the flash of the pistol. This circumstance showed that the shooting was not at the burglars, as was alleged by the prosecutor.

When the Agent had ascertained all this, he sat down alongside of the prosecutor in his house, and informed him that he, the Agent, was fully satisfied that the prisoner was innocent of that which he had been accused, and that he, the Agent, was prepared to prove to the satisfac-

tion of the prosecutor, that no burglary had been committed in this case. The prosecutor consented to hear what the Agent had to say.

After a patient hearing he seemed to be convinced that the whole affair was a consequence of an illusion of the mind, and that he himself had been the principal actor. He then gave his consent to the release of the prisoner, and authorized the Agent to inform the Court that he had no desire to prosecute the case.

When the Mayor of the city, the District Attorney, and the Court were informed of the result of this investigation, they all cheerfully consented to the release of the prisoner. The Agent obtained his discharge from the Court, saw that he was released from prison and took charge of him, and assisted him in getting to Cincinnati, where he expected to get a situation as a chemist. He was a Scotchman by birth, of prepossessing appearance, an educated man, and was respectably connected; he had never been accused of committing any crime before this. He appeared truly thankful to the Agent for his friendly interference in his behalf, all of which had been accomplished without cost to him or any one else, while on the other hand the prosecutor expended large sums of money, in paying Detectives to proceed to Canada and other places, to endeavor to find some one who could connect this man with the supposed burglary.

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Judge Allison, President Judge of the Court of Common Pleas, in addition to having shown mercy to the poor little boot-blacks, who have from time to time been brought before him, upon slight charges, consistent with his benevolent act of last year, again kindly and generously gave to them a substantial and luxurious dinner upon Christmas day; their high appreciation of this entertainment was strikingly evinced by the good behavior of the boys during the whole of the time occupied by the dinner. We give the following account of it as taken from the *Evening Bulletin*, at the time:

THE BOOTBLACKS' CHRISTMAS DINNER.—A Christmas dinner was given to the bootblacks, by Judge Allison, at Reinhard's Hotel, adjoining the Ledger Building. The dinner was presided over by William J. Mullen, Prison Agent, who opened the exercises of the occasion by giving a brief history of the origin and object in setting aside a day to commemorate the birth of Christ, the Saviour of the World. He also cited several marked instances for their encouragement, wherein boys had risen in our country from obscurity to the highest distinction, filling some of the most important offices in our government. Of those named, there were Grant, Colfax, Governor Geary, and others, who occupied so conspicuous positions in our State and Government. The boys were in-

formed by Mr. Mullen, that under our laws in this free and Christian country, a full opportunity is afforded to the poorest boy in the land to rise to the highest eminence, where he may, by sobriety, honesty, industry and virtue, obtain for himself the most profitable and honorable positions which are in the gift of the people.

These remarks were followed by Judge Allison, who then appeared, and wished the boys a happy Christmas, which brought forth a hearty response. After this the Judge addressed them in an appropriate, feeling and effective manner, that will not be soon forgotten by those who heard him. They were next addressed by that well-known veteran, of Sunday School notoriety, Abraham Martin, in a humorous and pleasing manner. Among the many things which he said, he gave an interesting description of an educated dog that would respond in a pleasing manner to all questions put to him by his owner; and if the instinct of a dog would enable him to be taught so much, what could not be accomplished by intelligent little boys, such as he saw before him, who had immortal minds that were susceptible of the highest culture, with the facilities of education which they had before them in our city and country; and it was for them to determine, by industry and perseverance, as to what they would be. Mr. Martin was followed by William D. Baker, Esq., who spoke to the boys in an impressive, brief and eloquent manner. His address was replete with instruction and good advice.

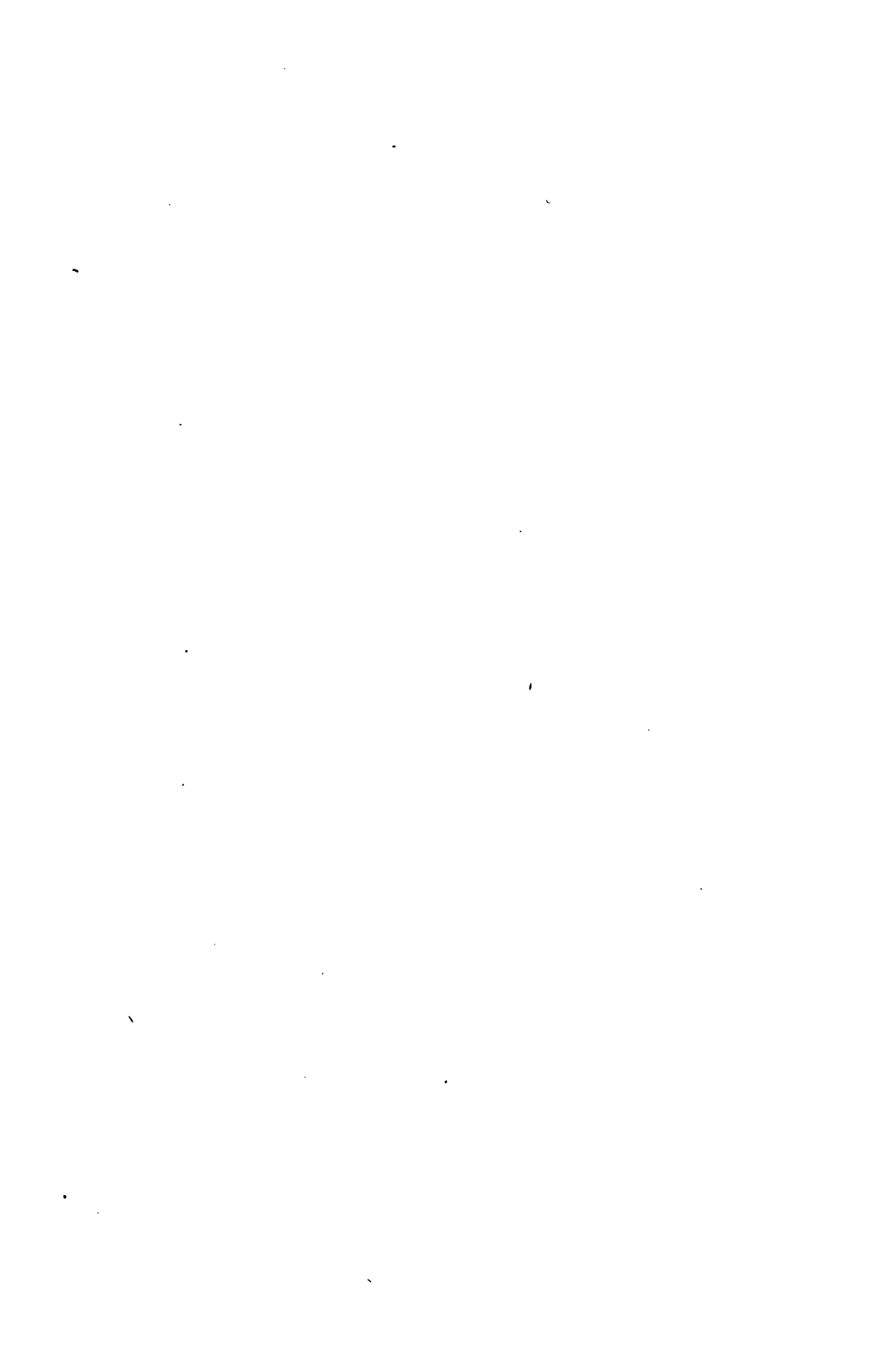
The next speaker was Mr. F. H. Toland, our city missionary, who addressed the boys in his usual happy style, which was interesting to all who heard him. He alluded to the fact that there was an effort being made by benevolent citizens to establish a Home for the boys.

At precisely half-past one o'clock the dinner was ready and on the table, when there were thirty boys comfortably seated, and after a blessing had been asked by Mr. Martin, they engaged with a will to partake of the sumptuous dinner which had been so carefully prepared for them. It consisted of roast turkey, roast beef, cold tongue, and other meats, together with an abundance of vegetables, consisting of celery, potatoes, hominy, cold-slaw, pickles, stewed onions, cranberries, and sauces of various kinds, ending with pies and pound-cake. The exercises were closed by a short prayer.

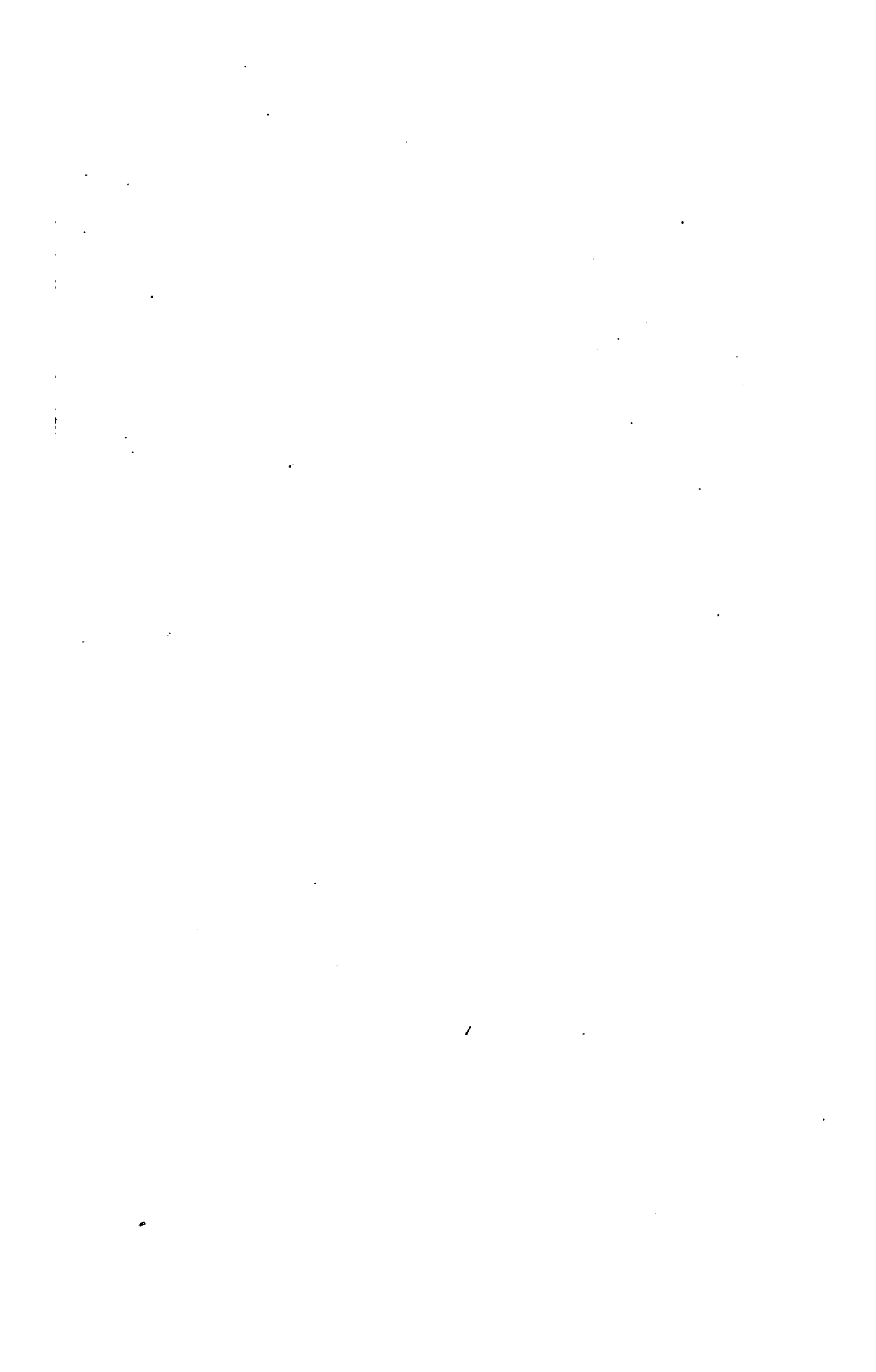
The whole time occupied, including speeches, was about one hour. The boys left well satisfied and pleased with the entertainment which had been given by their patron, Judge Allison. Their orderly conduct and good behavior was praiseworthy. Among the persons who were present and participated in these interesting exercises were William H. and William J. Horstman, Alderman Beitler, Detective Smith, Dr. W. M. Reynolds, and others.











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1869.

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### *Visiting Committee of the Eastern Penitentiary.*

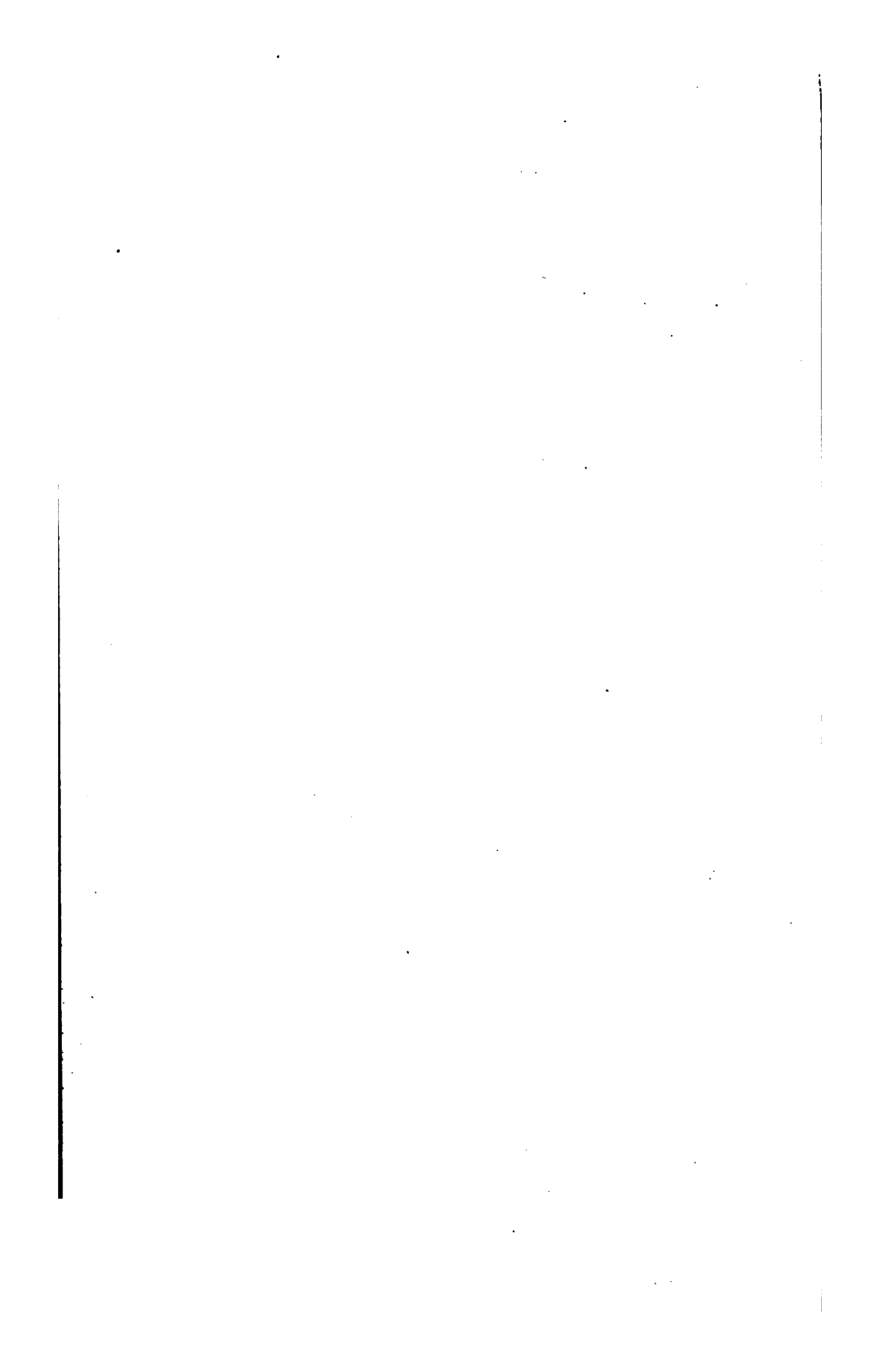
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 WILLIAM J. MULLEN, is Agent for the County Prison, appointed by the Inspectors, and acting under their direction, and is also appointed by the Prison Society.









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